

CIRCUIT COURT
FOR
MONTGOMERY COUNTY, MARYLAND



**CRIMINAL DIFFERENTIATED
CASE MANAGEMENT PLAN**

October 2005

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CRIMINAL DIFFERENTIATED CASE MANAGEMENT PLAN**

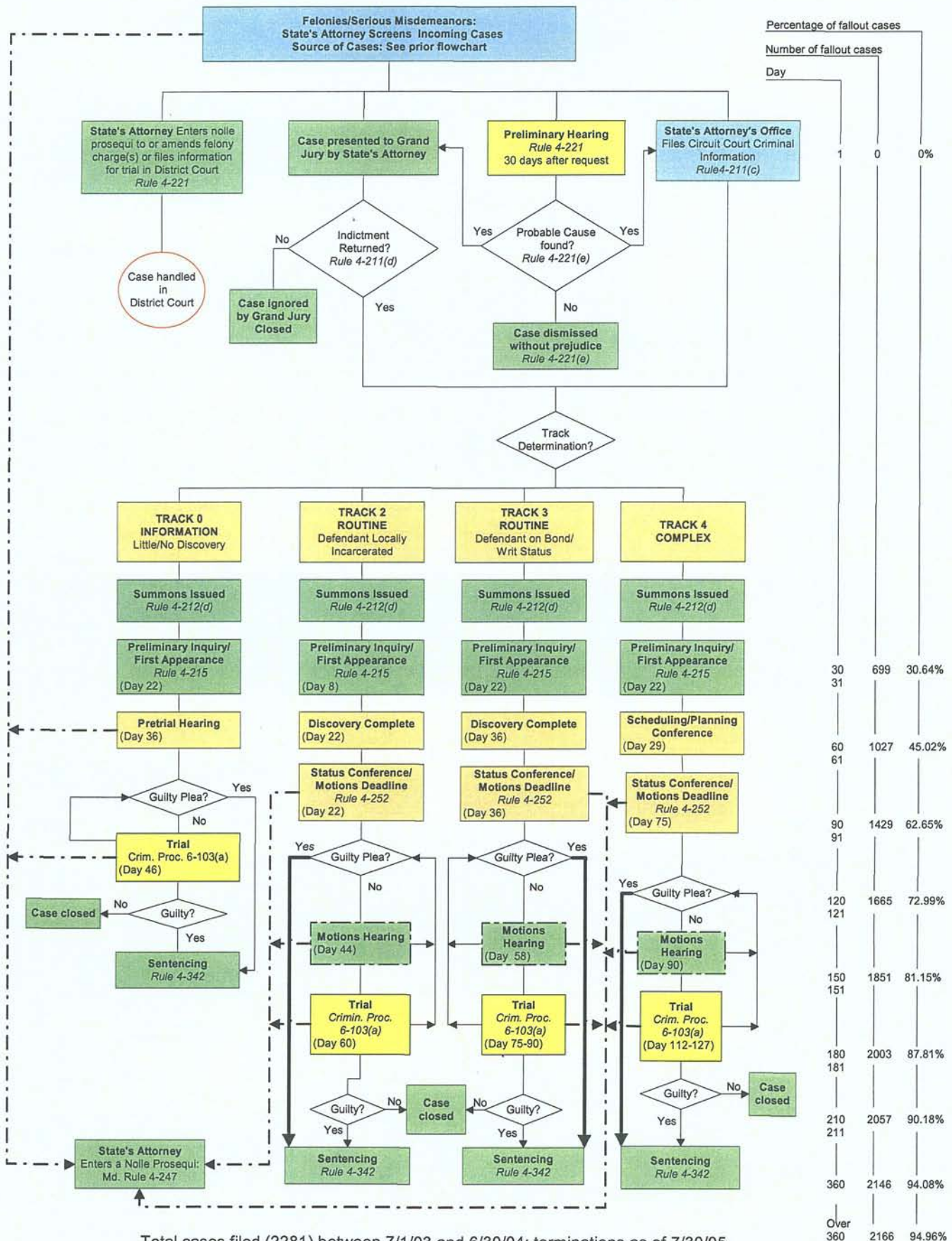
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TAB A

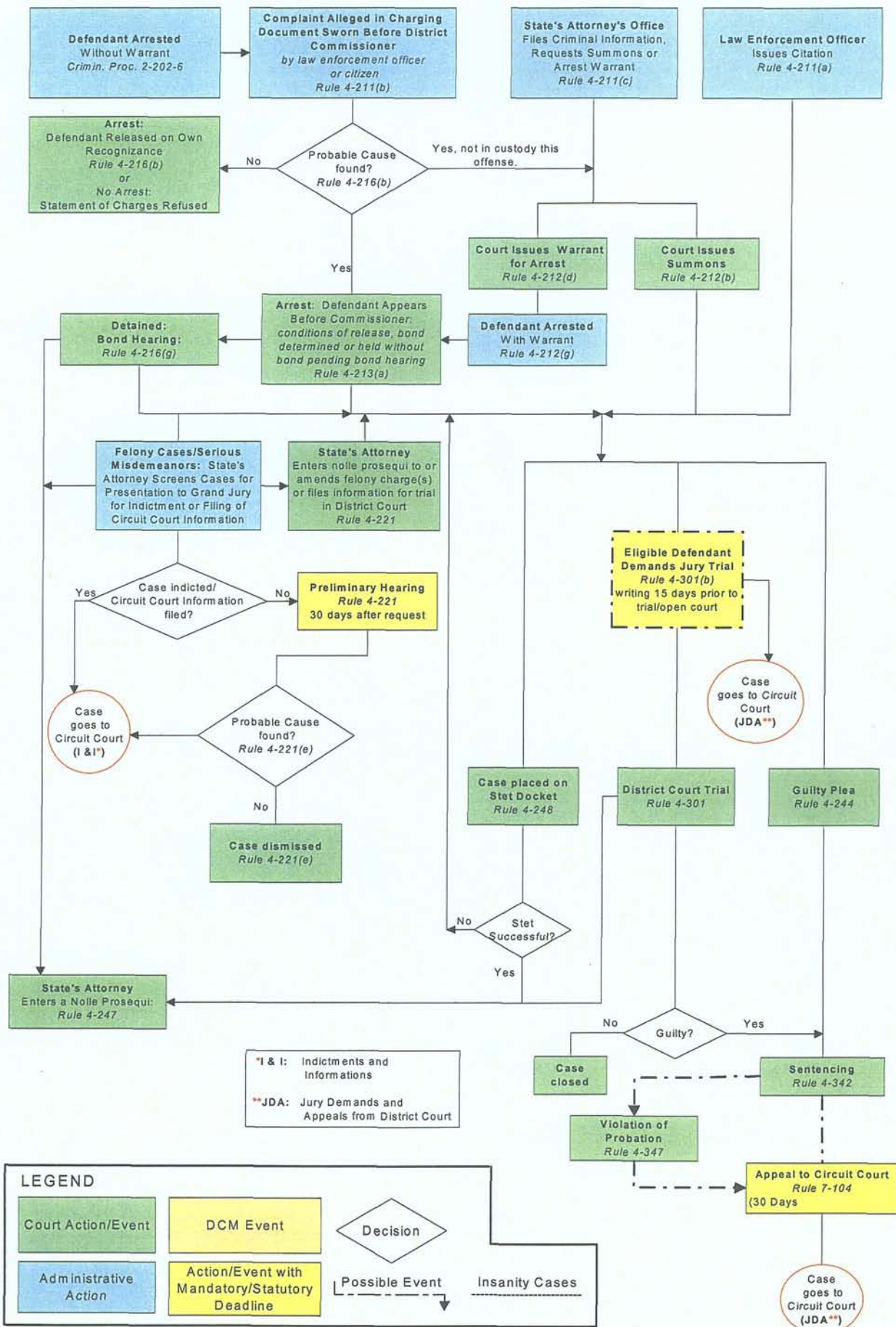
Criminal Case Overview

Indictments and Informations in the Circuit Court*



CRIMINAL CASE FLOW:

Sources of Criminal/Incarcerable Traffic Cases in the Circuit Court



OVERVIEW

Criminal Differentiated Case Management Plan for Montgomery County, Maryland

OBJECTIVES OF THE CRIMINAL DCM PROGRAM

The overall goal of Montgomery County's Criminal DCM Program is to develop a system in which Court supervision is implemented at an early stage in order to evaluate each criminal case at its inception. The objectives include:

- ❖ realistic case assignment and scheduling of events, alleviating the need for excessive continuances;
- ❖ expedited case disposition for incarcerated offenders;
- ❖ judicial supervision consistent with the complexity of each case; and
- ❖ efficient use of judicial system resources.

DESCRIPTION OF PROGRAM

Under the Montgomery County Criminal DCM Program, cases are assigned to one of five tracks according to the Court's standards and guidelines set for disposition and complexity of the case.

Cases involving criminal and incarcerable traffic offenses begin any of four ways:

- A warrantless arrest by a police officer pursuant to Sections 2-202 through 6 of the Maryland Criminal Procedure Article.
- An arrest pursuant to a warrant issued by a District Court Commissioner based on a sworn Statement of Charges (complaint) by a police officer or other individual alleging a criminal offense for which the Commissioner

finds probable cause that the offense occurred. The Commissioner typically issues a summons ordering the defendant (accused) to appear in court in most minor cases.

- An information filed either in the District Court or the Circuit Court by the Office of the State's Attorney. The Court determines whether to issue a summons or an arrest warrant based on the State's Attorney's Office request.
- A citation written by a law enforcement or peace officer alleging an offense.

The State's Attorney's Office reviews felony and serious misdemeanor cases to determine whether they should be handled in the Circuit Court or kept in the District Court. Such cases are then either presented to the Grand Jury for Indictment or a Circuit Court Information is filed. This is the caseload typically thought of as the caseload "originating" in the Circuit Court. These cases are subject to statutory speedy trial constraints, that is, they must reach trial within 180 days.

A second criminal caseload handled by the Circuit Court is that in which cases that are typically handled in the District Court move to the Circuit Court. This occurs when:

- A defendant demands a jury trial.
- A defendant appeals a sentence received in a District Court proceeding, including sentences imposed for violations of probation.

Cases involving a demand for a jury trial must reach trial within 180 days unless the Chief Judge of the Court of Appeals exempts the jurisdiction from this requirement if the jurisdiction shows that the large volume of cases is having a critical impact upon the efficient operation of the circuit court, Maryland Rule 4-271(a).

CIRCUIT COURT CASELOAD MANAGEMENT

In order to make certain that the criminal caseload is resolved with an appropriate level of court resources and in a timely manner, the differentiated case management system assigns different case types to five different tracks, as described in further documentation. With the exception of Jury Demands and Appeals from the District Court, the track assignment is based on the Case Tracking Sheet information provided to the Criminal Department to be filed along with the Indictment or Information. The original track designation is made by the State's Attorney's Office. The Court retains the authority to make scheduling changes within a track, or to change a case's track to accommodate unforeseen complexities or simply to correct the assignment.

Similarly, while the differentiated case management system promotes reaching plea agreements as early as possible, a plea agreement may be reached as early as prior to the filing of an Indictment or Information and as late as during trial. When a plea agreement is reached, a hearing is scheduled for the taking of the guilty plea and the case moves directly to sentencing either the same day or at separate hearing, obviating the need for any of the other scheduled events on a Scheduling Order.

Moreover, the State's Attorney's Office can elect not to proceed with the case at any point in the process by entering a *nolle prosequi* to the case in open Court, bringing the case to an end or the issue of a defendant's competency to stand trial may be raised at any point prior to or during trial (Section 3-104 of the Criminal Procedure Article.)

Descriptions of the five tracks are set forth as follows:

TRACK 0

Informations considered to have little or no discovery. An expedited Scheduling Order is given at the time of filing. This track was created for handgun charge cases, however, on rare occasions some theft or CDS cases may be considered. A **Rule 4-215** Hearing is scheduled three weeks following filing. A Pre-Trial Hearing is scheduled two weeks following the 4-215 hearing for the purpose of negotiation. If a plea cannot be reached, a trial date is scheduled within ten days. Track 0 cases have a disposition time goal of 46 days.

TRACK 1 -- (THE 8:30 AM AND PRE-TRIAL DOCKET)

All Jury Demands and Appeals from the District Court. For all *written* demands for jury trials filed in the District Court case at least fifteen (15) days prior to the trial date pursuant to Maryland Rule 4-301(b)(1)(A), the trial date scheduled for the District Court case will become the Circuit Court trial date. Parties will receive a notice under the new Circuit Court case number.

Oral demands for jury trials made in open court on the trial date will proceed immediately to the Circuit Court for trial. Jury demands made after 4:30 p.m. in

Rockville and after 4:00 p.m. in Silver Spring will be scheduled for a jury trial the following business day.

Appeals from the District Court are set for a Pre-Trial Hearing within four (4) weeks. If a final disposition is not reached at the Pre-Trial Hearing, a trial date will be scheduled within four (4) weeks. Track 1 cases have a disposition time goal of 1-57 days.

TRACK 2 – (ROUTINE INDICTMENTS AND INFORMATIONS WITH THE DEFENDANT LOCALLY INCARCERATED)

Track 2 provides for a **Rule 4-215** Hearing on an expedited basis the Friday following indictment or information filing. Track 2 cases include offenses from low to medium complexity. Examples: Robbery, Burglary, Daytime Housebreaking, Storehousebreaking, CDS, Theft, Forgery, Uttering, and Aggravated Assaults. Track 2 cases have a disposition time goal of 60 days from the filing of the indictment or information to trial.

TRACK 3 -- (ROUTINE TRACK WITH THE DEFENDANT ON BOND OR WRIT STATUS)

Track 3 cases include the same offenses as Track 2, low to medium complexity cases. The defendant is not incarcerated at the time of the indictment or information. Disposition time goal for Track 3 cases is 75-90 days from the filing of the indictment or information to trial.

PLEAS (Track 2 & 3)

The defendant may plea guilty and be sentenced before the randomly assigned plea judge. It is the Administrative Judge's policy that all pleas should be heard and

disposed of prior to the originally scheduled trial date. The defendant may plea before the status conference judge with the permission of the assigned plea judge. The sentencing date will be set before the plea judge. To set a plea date before the assigned plea judge on a later date, plea dates will be available at the Status Conference from the Assignment Office. Plea agreements must be filed as soon as possible to confirm the date given in the courtroom. After the status conference, guilty pleas will be taken ONLY by the assigned plea judge.

Plea agreements must be filed by the State's Attorney's Office prior to the indictment being filed. The State's Attorney will contact the Assignment Office, prior to the filing of the case, to ascertain what judges will be sitting in the criminal rotation when the Information and plea agreement are filed. The State's Attorney will choose one of the available judges and then contact that judge's chambers to confirm a date within 30 days for the plea to be scheduled. The plea agreement shall be attached to the Information and filed with the Criminal Clerk's Office. A copy of the plea agreement is to be delivered to the Assignment Office. The plea agreement must state that it is a **PRE-INDICTMENT PLEA.**

Per the County Administrative Judge, effective September 13, 1999, the plea judge availability will be as follows: When one judge receives five (5) pre-indictment pleas, they are no longer available until the two (2) remaining judges in that rotation receive five (5) each. When all three judges have five (5) pre-indictment pleas, the process will start over again.

STATUS CONFERENCES (Track 2 & 3)

Status conferences will be handled by the Administrative Judge. Pending motions will be scheduled on Friday at 9:30 AM before one of the three (3) criminal judges. If the case goes to trial, it will be assigned to any of the three (3) judges handling criminal cases.

In an effort to assure greater trial scheduling certainty, which is one of the aims of the program, the court will hold status conferences on Thursdays and Fridays. The conferences occur four (4) weeks prior to the scheduled trial date. These status conferences provide an opportunity to resolve discovery disputes, dispose of the case by way of plea, and to determine whether multiple cases scheduled on the court's calendar will go to trial.

TRACK 4 – (COMPLEX CASES)

The defendant may or may not be incarcerated. Offenses include Homicide, Rape, First and Second Degree Sex Offenses, Child Abuse, Major Fraud, Arson, and DNA Cases. Track 4 cases are specially assigned to a judge on the day the indictment is filed with the court. **All events** are to be handled by the assigned judge except for the **Rule 4-215** hearing. The disposition time goal for Track 4 cases is 112-127 days from the indictment or information to trial.

Track 4 cases have trial dates assigned as a guideline date for the cases to be disposed. It is necessary for trial dates to be set in criminal cases pursuant to Maryland **Rule 4-271(a)**. These dates should remain in effect. Any adjustment to the trial date shall follow the procedure outlined in the Memorandum from the Administrative Judge

dated October 2, 2000 (attachment "U"). All 180-day continuances are to be heard by the Administrative Judge. If the new trial date exceeds the assigned judge's rotation, the case will be reassigned to the next available judge sitting in criminal on the new date.

When the assigned judge needs to alter dates on the scheduling order of Track 4 cases it is suggested that any dates that need to be rescheduled be completed on the scheduling/planning date. A strong effort should be made to stay within the track guidelines.

The assigned Track 4 judge will rule on Motions to Consolidate. Track 4 cases that are consolidated but were assigned to different plea judges are then reassigned to the judge assigned to the "older" of the consolidated cases.

If planning conferences or status conferences are held in chambers the final results **MUST** be put on the record. **All dates are to be cleared through the Assignment Office.**

GENERAL INFORMATION FOR ALL TRACKS

TRACK ASSIGNMENT

The track assignment is made prior to the filing of the indictment or information, and is based on the Case Tracking Sheet information provided to the Criminal Department to be filed. The track is designated by the State's Attorney's Office. The Administrative Judge retains the authority to make scheduling changes within a track, or to "re-track" a case to accommodate unforeseen complexities, or to simply correct the assignment.

JUDICIAL ASSIGNMENT

Criminal DCM went into effect with the filing of indictments and informations on January 8, 1993.

Two (2) judges are assigned to the criminal docket for a two (2) month term. During this period criminal judges will not be assigned duty and motions. Specially assigned civil cases are to be handled as scheduled.

The plea judge for Tracks 2, 3, and 4 are randomly chosen from the two (2) criminal judges that are assigned criminal duty during the week that the trial dates are chosen when the indictment or information is filed.

When a judge assigned to criminal duty requests leave, their secretary must find a replacement. The Assignment Commissioner will be happy to assist in supplying information as to the availability of judges.

The two (2) criminal judges will be assigned to hear indictment and information cases, and will be considered back-up judges for the 8:30 AM docket. If an overburden of the docket should occur, the judges sitting in criminal will fill-in for each other.

GUIDELINES FOR: RELATED CASES/CONTINUANCES/ CONSOLIDATIONS

Related cases are generally assigned the same plea judge. The plea judge may differ when one case(s) is filed one week, and the other case(s) is filed more than eight (8) weeks later.

ALL TRACK 0, 1, 2, AND 3 CONTINUANCES MUST BE RULED ON BY THE ADMINISTRATIVE JUDGE. (See Attachments T and U for procedure.) All Track 0, 1, 2, and 3 Consolidations are to be forwarded to the Administrative Aides for review.

The Aides will determine if the Motion is opposed. If opposed, the Aides will return the file to the Assignment Office to schedule a hearing on the Criminal Motions docket. If the motion is unopposed, the Administrative Aides will forward the file to the Administrative Judge for ruling.

Status conferences for Tracks 2 and 3 may be reset one week by consent of the state's attorney and the defense attorney. A joint line must be filed with the Assignment Office as soon as possible.

PLEASE SEE EACH TRACK SECTION FOR MORE SPECIFIC INFORMATION.

TAB B

**CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND
CASE TRACKING INFORMATION**

DATE: / /

CASE #: _____

STATE V. _____

IS DEFENDANT CURRENTLY INCARCERATED? _____

DEFENDANT'S DOB: ____/____/____

WHERE? _____

WRIT ISSUED? _____

LEAD (MOST SERIOUS) CHARGE: _____

RELATED CASES: _____

CO-DEFENDANTS (INCLUDE CASE #'S IF AVAILABLE): _____

CO-DEFENDANTS TO BE ADMINISTRATIVELY JOINED**: _____

**DISTRICT COURT TRACKING NUMBERS: _____

TRACK REQUESTED: (CIRCLE ONE TRACK)

- 0** 8:30 DOCKET—INFORMATION.
- 2** ROUTINE/DEFENDANT LOCALLY INCARCERATED.
- 3** ROUTINE/DEFENDANT ON BOND/WRIT STATUS
- 4** COMPLEX.

PRESUMED ROUTINE:

AGGRAVATED ASSAULT, ROBBERY, CDS, THEFT,
BURGLARY, FORGERY, UTTERING.

PRESUMED COMPLEX:

HOMICIDE, RAPE, 1ST & 2ND DEGREE SEX OFFENSES,
CHILD ABUSE, MAJOR FRAUD, CONSOLIDATED CASES,
ARSON, DNA CASES.

REASONS FOR ASSIGNING CASE TO TRACK OTHER THAN PRESUMED TRACK:

_____/240-_____
ASSISTANT STATE'S ATTORNEY/PHONE #

INITIAL DCM ADMINISTRATION TRACK DESIGNATION: _____

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND
CASE TRACKING INFORMATION

DEFENDANT'S REVIEW OF TRACK ASSIGNMENT

DATE: 09/30/2005

CASE #: 0-C STATE v. _____

INITIAL TRACK ASSIGNMENT: 0

TRACK REQUESTED BY DEFENSE: (CIRCLE ONE TRACK)

- 0 INFORMATION, 8:30 DOCKET (LITTLE OR NO DISCOVERY)
- 2 ROUTINE/DEFENDANT LOCALLY INCARCERATED.
- 3 ROUTINE/DEFENDANT ON BOND/WRIT STATUS.
- 4 COMPLEX.

PRESUMED ROUTINE: AGGRAVATED ASSAULTS, ROBBERY, BURGLARY, DAYTIME
HOUSEBREAKING, STOREHOUSEBREAKING, CDS, THEFT,
FORGERY, UTTERING.

PRESUMED COMPLEX: HOMICIDE, RAPE, 1ST AND 2ND DEGREE SEX OFFENSES,
CHILD ABUSE, MAJOR FRAUD, CONSOLIDATED CASES,
ARSON, DNA CASES.

REASONS FOR ASSIGNING CASE TO A TRACK OTHER THAN ASSIGNED/PRESUMED TRACK:

Interpreter needed? _____ If yes, you must complete form 1-332, available from
the Clerk's Office.

DEFENSE COUNSEL

PHONE NUMBER: _____

RETURN TO CRIMINAL DEPARTMENT AT TIME OF FILING LINE OF APPEARANCE, OR
AT THE 4-215 INITIAL APPEARANCE HEARING.

DCM ADMINISTRATION TRACK DESIGNATION: _____

Please give all enclosed papers to your attorney.
Por favor, dele a su abogado todos estos documentos.

TAB C

CRIMINAL CASE TRACKING GUIDELINES

EVENT	TRACK 0 (Information/ No Discovery)	TRACK 1 8:30 AM & P/T Docket	TRACK 2 Routine - local Incarceration	TRACK 3 Routine - bond (Complex)	TRACK 4 3 days + (Complex)
	DAY	DAY	DAY	DAY	DAY
Jury Demand/Appeal		1			
Indictments/Information	1		1	1	1
4-215 Hearing	22		8	22	22
Pre-Trial	36	29			
Discovery Completed			22	36	
Scheduling/Planning Conf.					29
Status Conference			22	36	75
Motions, if Needed			44	58	90
Trial	46	1-57	60	75-90	112-127

CRIMINAL JUDGES SCHEDULE

Criminal Indictment and Information Trial Judges

Monday through Friday 8:30 AM to 9:30 AM – Matters manually set by the Judge's Secretaries. (e.g. Criminal Track 4 and Specially Assigned Criminal Matters.)

Thursday through Friday 8:30 AM to 9:00 AM – Criminal Status Conferences set before the Administrative Judge. 10 set on Thursday and 25 set on Friday.

Monday through Thursday 9:30 AM to 4:30 PM – Criminal trials set. 14 set on Monday, 12 on Tuesday, 11 on Wednesday and 11 on Thursday.

Thursday through Friday 9:00 AM to 9:30 AM – 45 Criminal Rule 4-215 Hearings.

Thursday through Friday 9:30 AM to 12:30 PM – Criminal Motions set. 8 hours scheduled on Thursday and 15 hours scheduled on Friday.

Friday 11:30 AM to 12:30 AM – 6 Criminal Bond Reviews set.

Monday through Friday 12:30 PM – 1:30 PM – Lunch.

Friday 1:30 PM to 4:30 PM – 4 Scheduling/Planning Conferences set and Motion Hearings to resume.

Criminal Jury Demand and Appeal Judges

Monday through Wednesday 8:30 AM to 4:30 PM – 18 Trials scheduled each day before the Administrative Judge.

Friday 9:00 AM to 4:30 PM – 90 Pretrial Conferences set.

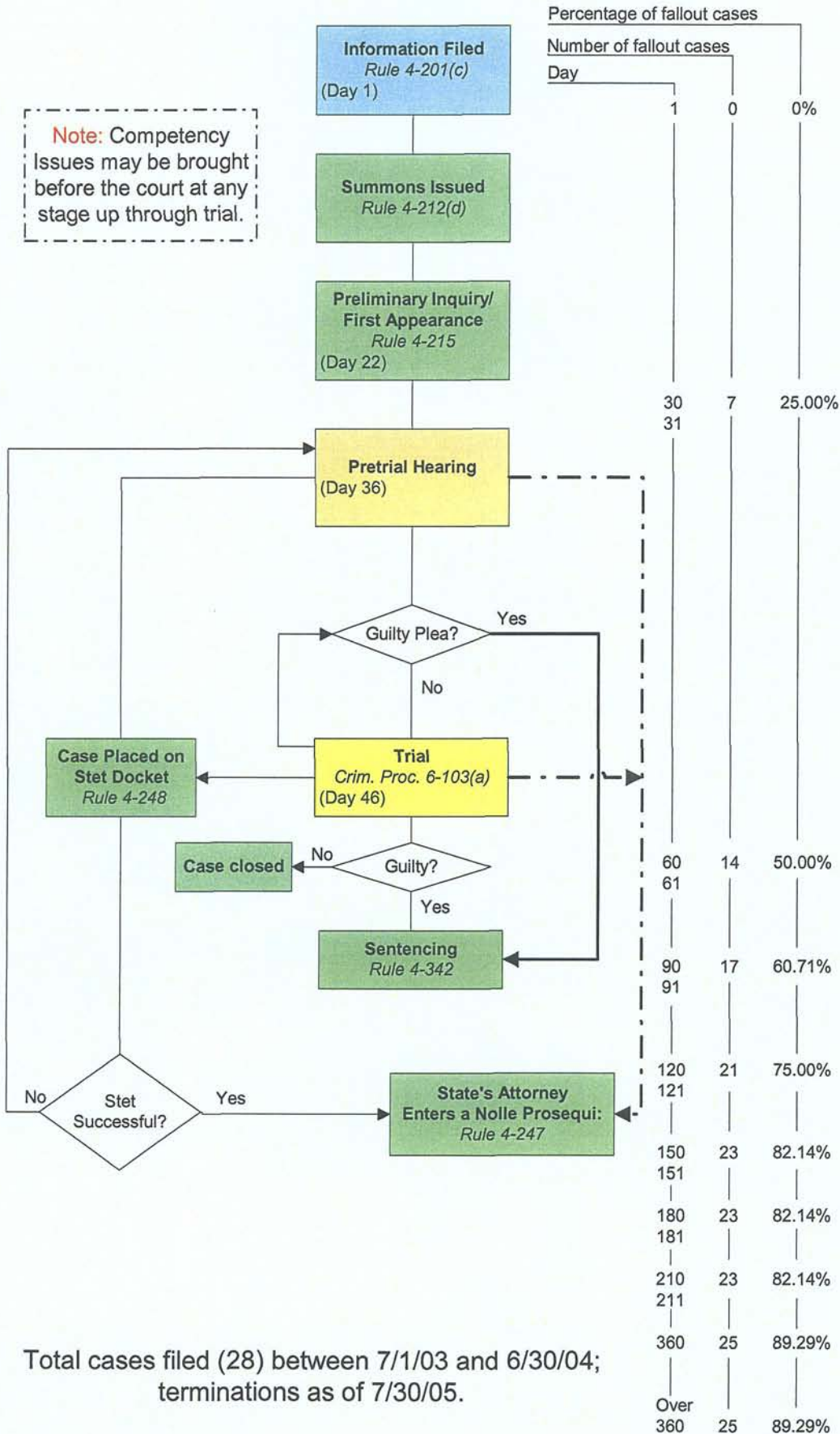
Monday through Friday 12:30 PM to 1:30 PM – Lunch.

TAB
CRIMINAL/TRACK 0

Criminal Track 0

Information

Little or No Discovery



CRIMINAL TRACK 0 -- INFORMATION

Requiring little or no discovery

Transportation of Handgun, Carrying Handgun, Theft Over \$300, CDS.

Track 0 is designated for Circuit Court Criminal Informations whose litigation requires little or no discovery. This track was created for handgun cases; however, on rare occasions some theft or CDS cases may be considered. An expedited Scheduling Order is distributed at the time of filing. A **Rule 4-215** Hearing is scheduled three weeks following filing of the Information. A Pretrial Hearing is scheduled two weeks following the 4-215 Hearing for the purpose of negotiating a plea agreement. If a plea cannot be reached, a trial date is scheduled within ten days.

The State's Attorney may elect to place a case on the *stet* (inactive or stayed) docket. If the conditions associated with the *stet* are fulfilled or complied with, the case is removed from the *stet* docket and the State's Attorney enters a *nolle prosequi*. If the conditions are not met or violated, the case is reactivated and a Pretrial Hearing is set to determine how it will be handled—by trial, plea, *nolle prosequi*, etc.

If a case does go to trial and a mistrial is declared, either for an error that occurs during the trial or when a jury cannot reach a verdict, then the case is scheduled for a Pretrial Hearing as above unless the State's Attorney enters a *nolle prosequi* at the declaration of the mistrial.

Track 0 cases have a disposition time goal of 46 days.

CRIMINAL TRACK 0 -- INFORMATION

Requiring little or no discovery

Transportation of Handgun, Carrying Handgun, Theft Over \$300, CDS.

=====

DAY

1		INFORMATION	
		Information sheet and scheduling order with summons. No plea judge is assigned.	
22	21 days	RULE 4-215 HEARING	
		Scheduled on Friday at 9:00 AM before the Administrative Judge.	
36	14 days	PRE-TRIAL HEARING	
		Pleas may be entered at this hearing. If no plea is entered the case will proceed to trial.	
46	10 days	TRIAL DATE	
		Case will be scheduled on the 8:30 AM Jury Demand/Appeal Docket on Monday, Tuesday, or Wednesday.	

TAB D

CRIMINAL SCHEDULING ORDER

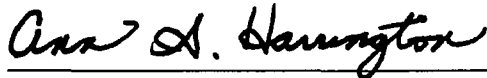
Case No. 0-C

00000

Caption: STATE OF MARYLAND v.

This ORDER is your official notice of dates and required Court appearances. It may not be modified except by leave of Court upon a showing of good cause; stipulations between counsel shall not be effective to change any deadlines in the order absent Court approval. Sanctions may apply for failure to comply with the terms of this Order.

SEPTEMBER 30, 2005
FILING DATE


Ann S. Harrington,
County Administrative Judge

TRACK 0

RULE 4-215 HEARING	10/21/2005 at 09:00am
PRE-TRIAL	11/04/2005 at 09:00am
TRIAL	11/14/2005 at 08:30am

Please give all enclosed papers to your attorney.
Por favor, dele a su abogado todos estos documentos.

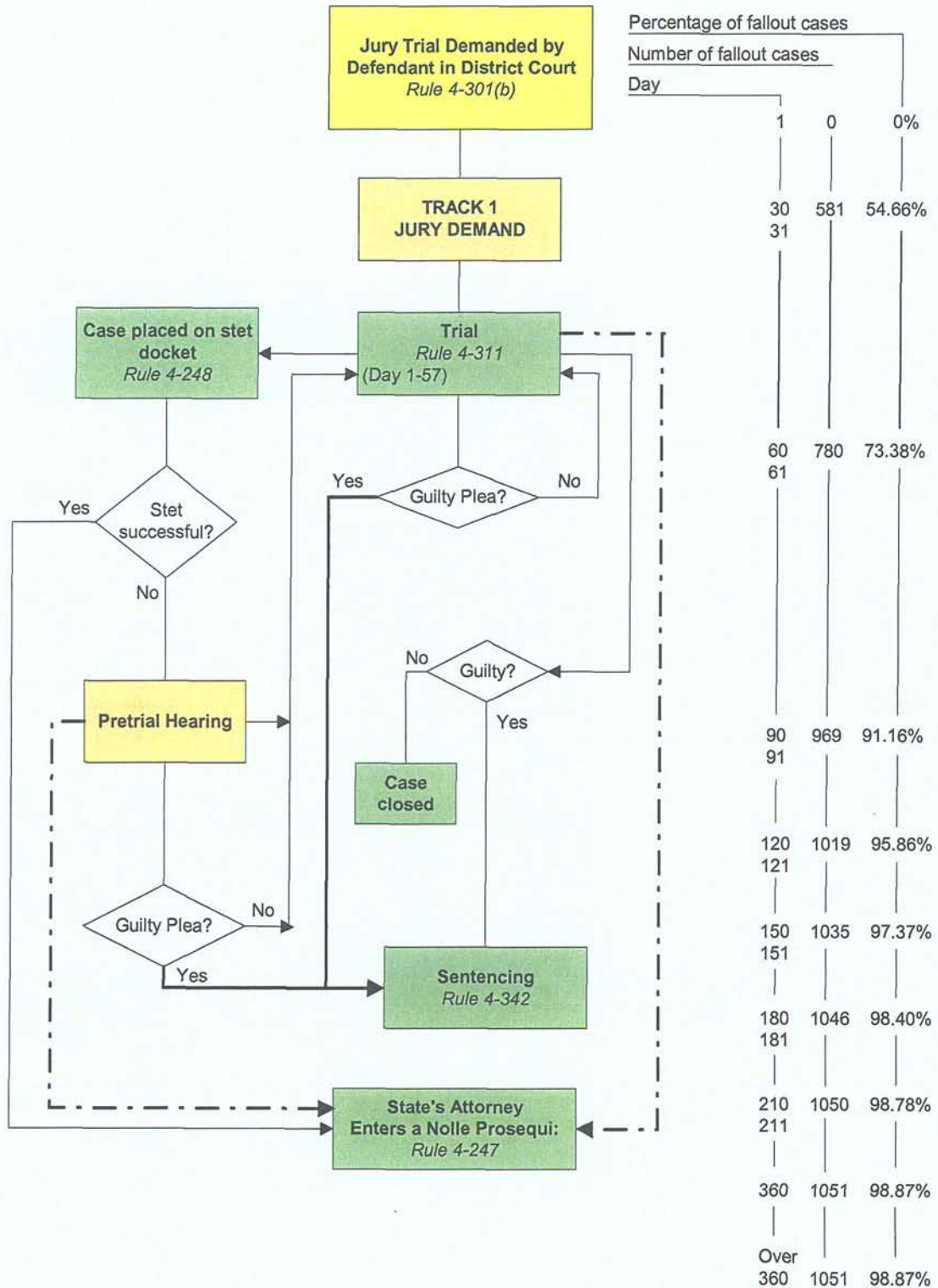
Distribution: File

10/12/2005 11:05:09

TAB
JURY DEMAND/TRACK 1

Criminal Track 1

District Court Jury Demands



Total cases filed (1063) between 7/1/03 and 6/30/04;
terminations as of 7/30/05.

CRIMINAL TRACK 1 JURY DEMANDS

All Jury Demands from the District Court are assigned to Criminal Track

1. Written jury demands will have the District Court trial date become the Circuit Court trial date when filed fifteen (15) days prior to the trial date. Oral demands for jury trials made in open court on the trial date will proceed immediately to the Circuit Court for trial. If a plea agreement is not reached by the Pretrial Hearing, a trial date will be scheduled within four (4) weeks.

The State's Attorney may elect to place a case on the *stet* (inactive or stayed) docket. If the conditions associated with the *stet* are fulfilled or complied with, the case is removed from the *stet* docket and the State's Attorney enters a *nolle prosequi*. If the conditions are not met or violated, the case is reactivated and a Pretrial Hearing is set to determine how it will be handled—by trial, plea, a *nolle prosequi*, etc.

If a case does go to trial and a mistrial is declared, either for an error that occurs during the trial or where a jury cannot reach a verdict, then the case is scheduled for a Pretrial Hearing as above unless the State's Attorney enters a *nolle prosequi* at the declaration of the mistrial.

Track 1 Jury Demand cases have a disposition time goal of 1-57 days.

CRIMINAL TRACK 1 -- JURY DEMANDS

Cases that are jury demanded from the
District Courts in Rockville and Silver Spring

=====

DAY

1

JURY DEMAND

These cases are scheduled according to the following schedule. When a written demand for jury trial is filed at least fifteen (15) days prior to the trial date, the trial date scheduled before District Court will become the Circuit Court trial date. When an oral demand for jury trial made in open court on the trial date the case will proceed immediately to the Circuit Court for trial. Jury demands made after 4:30 p.m. in Rockville and after 4:00 p.m. in Silver Spring will be scheduled for a jury trial the following business day.

1-57

1-57 days

TRIAL DATE

The defendant may plea before the assigned Judge, or proceed to trial.

TAB E

March 28, 2002

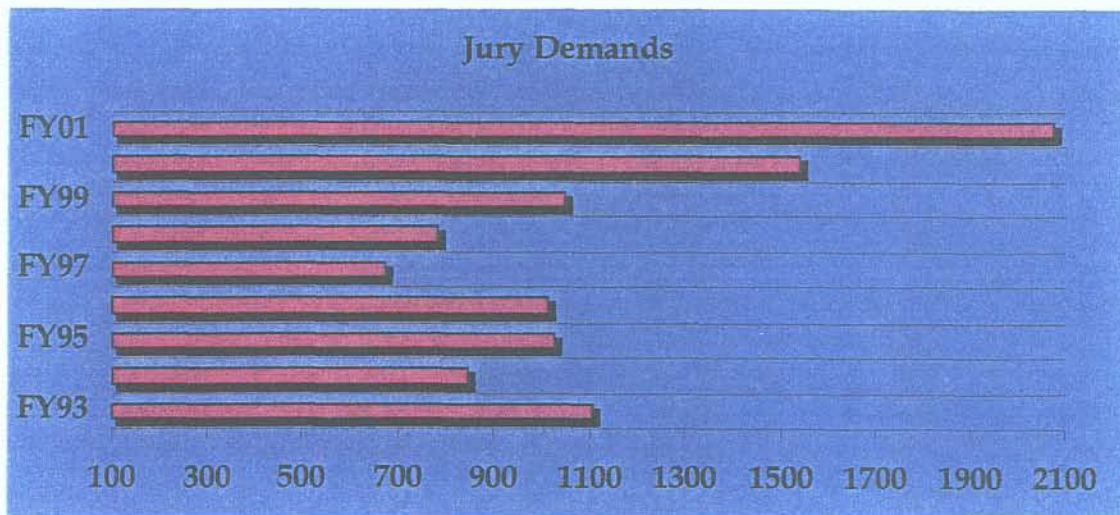
MEMORANDUM

TO: All Circuit Court Judges
All District Court Judges

FROM: Paul H. Weinstein, Administrative Judge

RE: INSTANT JURY DEMANDS

As can be seen from the chart below, since fiscal year 1999, the Circuit Court has experienced a 165% increase in jury demands originating from the District Court. In an effort to address this issue over the past two years, we have had numerous meetings with the Public Defender's Office, State's Attorney's Office, as well as the District Court to resolve the influx of cases to the Circuit Court, but clearly to no avail.



Effective April 1, 2002, the Circuit Court will implement the Instant Jury Demand procedure. Cases in which the Defendant demands a jury trial will no longer be continued and scheduled for a future pre-trial hearing in the Circuit Court, but will proceed the same day to Circuit Court for a jury trial. Juries will be available Monday through Friday to hear these cases and Judges will be requested to be available to receive these trials throughout the day. Appeals from the District Court are not affected by this project. Any appeal filed in District Court will remain scheduled on the Pre-trial Calendar in the Circuit Court.

For your assistance, I have attached the written procedures that have been established by the District and Circuit Courts for this project. I am hopeful that Montgomery County will experience the same success as the other large jurisdictions that have implemented this procedure. In anticipation of your support and cooperation, I thank you.

CIRCUIT COURT PROCEDURE:

- Upon receipt of the fax or paper work from District Court, the Criminal Dept. will notify the Assignment Office that they have received an Instant Jury Demand and will provide the case number, name, charge, and attorney name, if represented by counsel. Files involving interpreters will be given to Molly Ruhl's office to process the interpreter information.
- The file will be processed as a rush and sent to the Assignment Office for assignment to a courtroom.
- Upon receipt of the file, the Assignment Office will notify the Courtroom Clerks, Jury Commissioner, Sheriff's Dept. and the Judge assigned that a jury demand is being sent to a courtroom. [Note: A/O will notify the Sheriff immediately when any information is received about a jury demand after 3:30 p.m.]
- All parties and witnesses will be required to report directly to the Assignment Office. Upon receipt of the Court file, the parties and witnesses will be assigned to a courtroom. Interpreters will be sent to Molly Ruhl's office prior to reporting to the assigned courtroom.
- If the assigned judge is currently in trial, all jury demands will trail.
- Should there be a **request** for **continuance**, it will be sent directly to the Administrative Judge.
- Failure to Appear – If a Defendant fails to appear, a warrant will be issued. When the defendant is brought before the Court, the case will be scheduled on the PT docket on the Friday of the following week.
- Pleas will only be accepted to the **entire** charging document.

ROCKVILLE DISTRICT COURT PROCEDURE:

- Proper Advice of Rights will be given to the Defendant at all scheduled events prior to trial from District Court – numerous forms indicating notice of advice of right to counsel.)
- At the beginning of the District Court trial calendar, the District Court Judge will inquire as to any defendants who wish to request a jury trial. (Cases involving interpreters or incarcerated defendants will be called first.) The defendant will be given a subpoena by the courtroom clerk to appear in Circuit Court that same day. If a jury demand is requested later that day the same process will be followed.
- All parties and witnesses in the Rockville District Court will be required to appear in the Circuit Court on the same day the jury demand is requested. There will be a 4:30 p.m. cut-off time. Cases received after 4:30 p.m. will be added to the next day's trial calendar.
- Transportation of Defendants: The Sheriff's Department will transport all in custody defendants to the Circuit Court as soon as possible. The District Court Judge will issue a commitment form for:

DOC: DOC is given the top two copies. The Clerk circles RELEASE on this form and places a notation near the seal that says "defendant to be held at MCDC pending resolution in the Circuit Court". The Clerk should cross through the bond section of the form if there is no change to the bond status. The District Court Judge will sign their name under "By Order Of The Circuit Court."

MCDC: Form is given to the Sheriff's Department for Montgomery County Department of Correction and Rehabilitation (MCDC). The Clerk circles RECEIVE on this form. The Clerk will place a notation on the section "other" that says "defendant being held at MCDC pending Trial set date in the Circuit Court". The Clerk should cross through the bond section of the form if there is no change to the bond status. The District Court Judge will sign their name under "By Order Of The Circuit Court." The Courtroom Clerk will sign the Clerk of the Circuit Court's name with their initials by it.

The Sheriff's Office may allow defendants to change into street clothes for a jury trial. When the defendant has arrived at the Circuit Court, the defense counsel may complete a "Change of Clothing Request" at the Sheriff's Office. The attorney will be responsible for providing the clothes and retrieving the clothes from the Sheriff's Office at the end of each day of trial. DOC inmates will not be allowed to change clothes. The Sheriff's Dept. will notify the Assignment Office (x79007) as soon as the defendant has arrived at the Circuit Court.

- Interpreters: District Court will, whenever possible, coordinate the use of interpreters with the Clerk of the Circuit Court. Special language and sign interpreters will be advised by District Court that they are hired for the case and are to accompany the case to the Circuit Court if a jury demand is requested. District Court will flag these files for the Circuit Court.

- Written Jury Demand Request: If a written jury demand is filed 15 days prior to the trial date, the District Court trial date will become the Circuit Court date. District Court will send the file to Circuit Court the same day or no later than the next business day. These files will be flagged with the District Court Trial Date to distinguish them from instant jury demands. The Assignment Office will re-notify the parties under the Circuit Court case number. If the defendant is represented by the Public Defender, a notice will be placed in the Public Defender's box in the Assignment Office.

Procedure for faxes and papers to be received in Circuit Court:

- The Bailiff or Rockville District Court personnel will bring the paperwork to Circuit Court Criminal Department. If a staffing problem arises, District Court will call Molly Ruhl at 240-777-9466 or 240-777-9467 to arrange for immediate pick-up.
- Domestic Violence Cases on Friday (Rockville) will be sent to Circuit Court but will be added to Friday's Pre-trial docket. These cases will be flagged by District Court as D.V. Matters. Late arrivals will be placed on the 8:30 a.m. Monday trial calendar.

SILVER SPRING DISTRICT COURT PROCEDURE:

- Proper Advice of Rights will be given to the Defendant at all scheduled events prior to trial. from District Court.)
- At the beginning of the District Court trial calendar, the District Court Judge will inquire as to any defendants who wish to request a jury trial. (Cases involving interpreters or incarcerated defendants will be called first.) The defendant will be given a subpoena by the courtroom clerk to appear in Circuit Court that same day. If a jury demand is requested later that day the same process will be followed.
- All parties and witnesses in the Silver Spring District Court will be required to appear in the Circuit Court on the same day the jury demand is requested. If a defendant is incarcerated and a jury demand is requested in the afternoon, the jailer in the District Court will notify the Sheriff's Office Court and Transport Section (x77012) to arrange for transportation. The Sheriff's Office Court and Transport Section (x77012) will call and advise the Assignment Office (x79004 or X79000) as to when the defendant is anticipated to arrive at the Circuit Court.
- Transportation of Defendants: The Sheriff's Department will transport all in custody defendants to the Circuit Court as soon as possible. The District Court Judge will issue a commitment form for:

DOC: DOC is given the top two copies. The Clerk circles RELEASE on this form and places a notation near the seal that says "defendant to be held at MCDC pending resolution in the Circuit Court". The Clerk should cross through the bond section of the form if there is no change to the bond status. The Clerk signs the name of the judge under "By Order Of The Circuit Court" and signs the Clerk of the Circuit Court's name with their initials by it.)

MCDC: Form is given to the Sheriff's Department for Montgomery County Department of Correction and Rehabilitation (MCDC). The Clerk circles RECEIVE on this form. The Clerk will place a notation on the section "other" that says "defendant being held at MCDC pending Trial set date in the Circuit Court". The Clerk should cross through the bond section of the form if there is no change to the bond status. The Clerk signs the name of the judge under "By Order Of The Circuit Court: and signs the Clerk of the Circuit Court's name with their initials by it.

The Sheriff's Office may allow defendants to change into street clothes for a jury trial. When the defendant has arrived at the Circuit Court, the defense counsel may complete a "Change of Clothing Request" at the Sheriff's Office. The attorney will be responsible for providing the clothes and retrieving the clothes from the Sheriff's Office at the end of each day of trial. The Sheriff's Dept. will notify the Assignment Office (x79007) as soon as the defendant has arrived at the Circuit Court.

- Interpreters: District Court will, whenever possible, coordinate the use of interpreters with the Clerk of the Circuit Court. Special language and sign interpreters will be advised by District Court that they are hired for the case and are to accompany the case to the Circuit Court if a jury demand is requested. District Court will flag these files for the Circuit Court.

- Written Jury Demand Request: If a written jury demand is filed 15 days prior to the trial date, the District Court trial date will become the Circuit Court date. District Court will send the file to Circuit Court the same day or no later than the next business day. These files will be flagged with the District Court Trial Date to distinguish them from instant jury demands. The Assignment Office will re-notify the parties under the Circuit Court case number. If the defendant is represented by the Public Defender, a notice will be placed in the Public Defender's box in the Assignment Office.

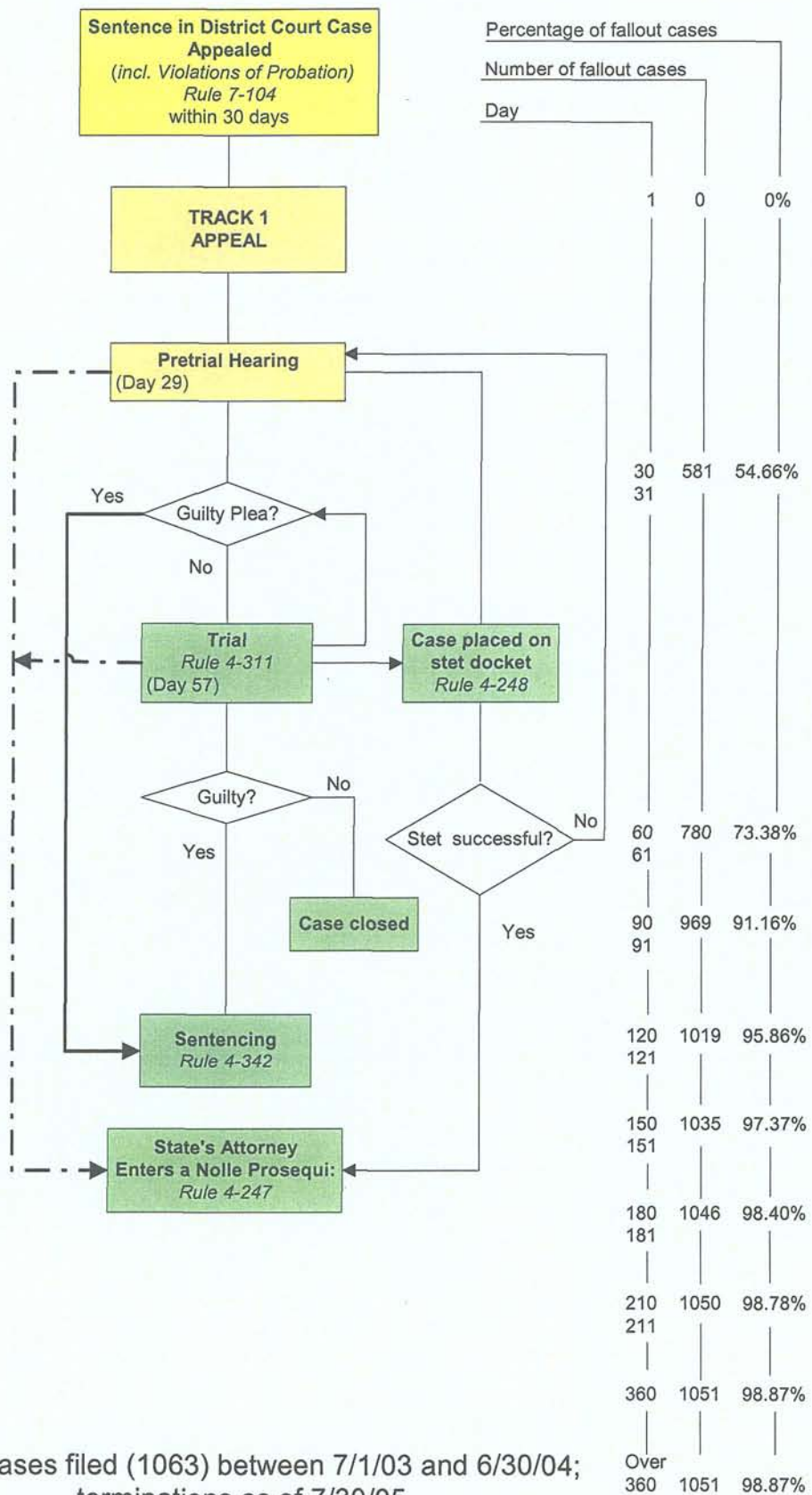
Procedure for faxes and papers to be received in Circuit Court:

- Silver Spring District Court will immediately fax the charging document, bonds, appearance line, pre-trial/adjudication sheets to the Circuit Court Criminal Dept. If a Sheriff is present in the Silver Spring District Court at the end of the day, the Sheriff will transport all jury demand files to the Rockville District Court and place them in the lock box outside near the loading dock. If the Sheriff is not present, a courier will bring the paper work to Rockville by the next day. Circuit Court Criminal Dept. will assign a Circuit Court case number and place the faxed copies in the file until the originals are received.

TAB
APPEALS/TRACK 1

Criminal Track 1

District Court Jury Appeals



Total cases filed (1063) between 7/1/03 and 6/30/04;
terminations as of 7/30/05.

CRIMINAL TRACK 1 - APPEALS

Cases that have been appealed from the District Courts in Rockville and Silver Spring

All Appeals from the District Court are assigned to Criminal Track 1.

Appeal cases are set for a Pretrial Hearing within four (4) weeks. If a plea agreement is not reached by the Pretrial Hearing, a trial date will be scheduled within four (4) weeks.

The State's Attorney may elect to place a case on the *stet* (inactive or stayed) docket. If the conditions associated with the *stet* are fulfilled or complied with, the case is removed from the *stet* docket and the State's Attorney enters a *nolle prosequi*. If the conditions are not met or violated, the case is reactivated and a Pretrial Hearing is set to determine how it will be handled—by trial, plea, a *nolle prosequi*, etc.

If a case does go to trial and a mistrial is declared, either for an error that occurs during the trial or when a jury cannot reach a verdict, then the case is scheduled for a Pretrial Hearing as above unless the State's Attorney enters a *nolle prosequi* at the declaration of the mistrial.

Track 1 cases have a disposition time goal of 1-57 days.

CRIMINAL TRACK 1 - APPEALS

Cases that have been appealed from the District Courts in Rockville and Silver Spring

=====

DAY

1 APPEAL

District Court assigns the pre-trial date when the appeal's filed.

29 28 days PRE-TRIAL HEARING

A plea may be entered by the defendant, or a trial date will be set within four (4) weeks.

57 28 days TRIAL DATE

The trial will proceed on this date before the 8:30 AM Judge, or the defendant may enter a plea.

TAB F

STATE OF MARYLAND

WARRANT NO.: _____

vs.

CRIMINAL/TRAFFIC NO.: _____

INSTRUCTIONS FOR DEFENDANTS WITH CASES APPEALED TO THE CIRCUIT COURT

Your appeal from the decision of the District Court of Maryland has been noted and all further proceedings in your case will be conducted by the Circuit Court for Montgomery County, Judicial Center, 50 Maryland Avenue in Rockville. **YOU WILL NO LONGER BE REQUIRED TO APPEAR BEFORE THE DISTRICT COURT FOR PROCEEDINGS IN THE CASE CITED ABOVE.**

A pre-trial hearing in your case has been set in the Circuit Court for 8:30 a.m. on Friday, _____. The purpose of the pre-trial hearing is to ensure that you understand the charge(s) against you and that you are prepared for trial, which will be set by the Circuit Court at the pre-trial hearing. **FAILURE TO APPEAR AT THE PRE-TRIAL HEARING WILL RESULT IN THE FORFEITURE OF YOUR BOND, THE ISSUANCE OF A BENCH WARRANT FOR YOUR ARREST AND THE DISMISSAL OF YOUR APPEAL.**

If you do not already have an attorney and cannot afford one, you should contact the Public Defender's Office, telephone (301) 279-1660, immediately so that an attorney may be appointed for you and the trial can take place on the scheduled date.

Should any problem develop concerning your appearance in the Circuit Court, advise your attorney without delay. If you do not have an attorney, advise the Assignment Office of the Circuit Court for Montgomery County, telephone (240) 777-9000, immediately, of any problem which may affect your appearance.

I have read the above instructions and understand them.

DATE

Defendant's Signature

WITNESS

Address (Please print or type)

TELEPHONE NUMBER

THIS PORTION TO BE MAILED OR DELIVERED TO THE CLERK OF THE CIRCUIT COURT

RE: WARRANT NO.: _____

CRIMINAL/TRAFFIC NO.: _____

Please enter my appearance as defense counsel in the case of State of Maryland vs. _____. My client enters a plea of not guilty and demands an appeal. I will be present with my client at _____.

(NO WAIVER ACCEPTED. PERSONAL APPEARANCE REQUIRED.)

I understand that the pre-trial hearing is set in the Circuit Court at 8:30 a.m. on Friday, _____. Trial will be set by the Circuit Court at the pre-trial hearing. The pre-trial hearing date can be changed only by written petition and Order of Court.

DATE

Name of Defense Counsel

Address (Please print or type)

TELEPHONE NUMBER

 **TE-Circuit Court**

GREEN-Defendant

YELLOW-Defense Attorney

PINK-State's Attorney

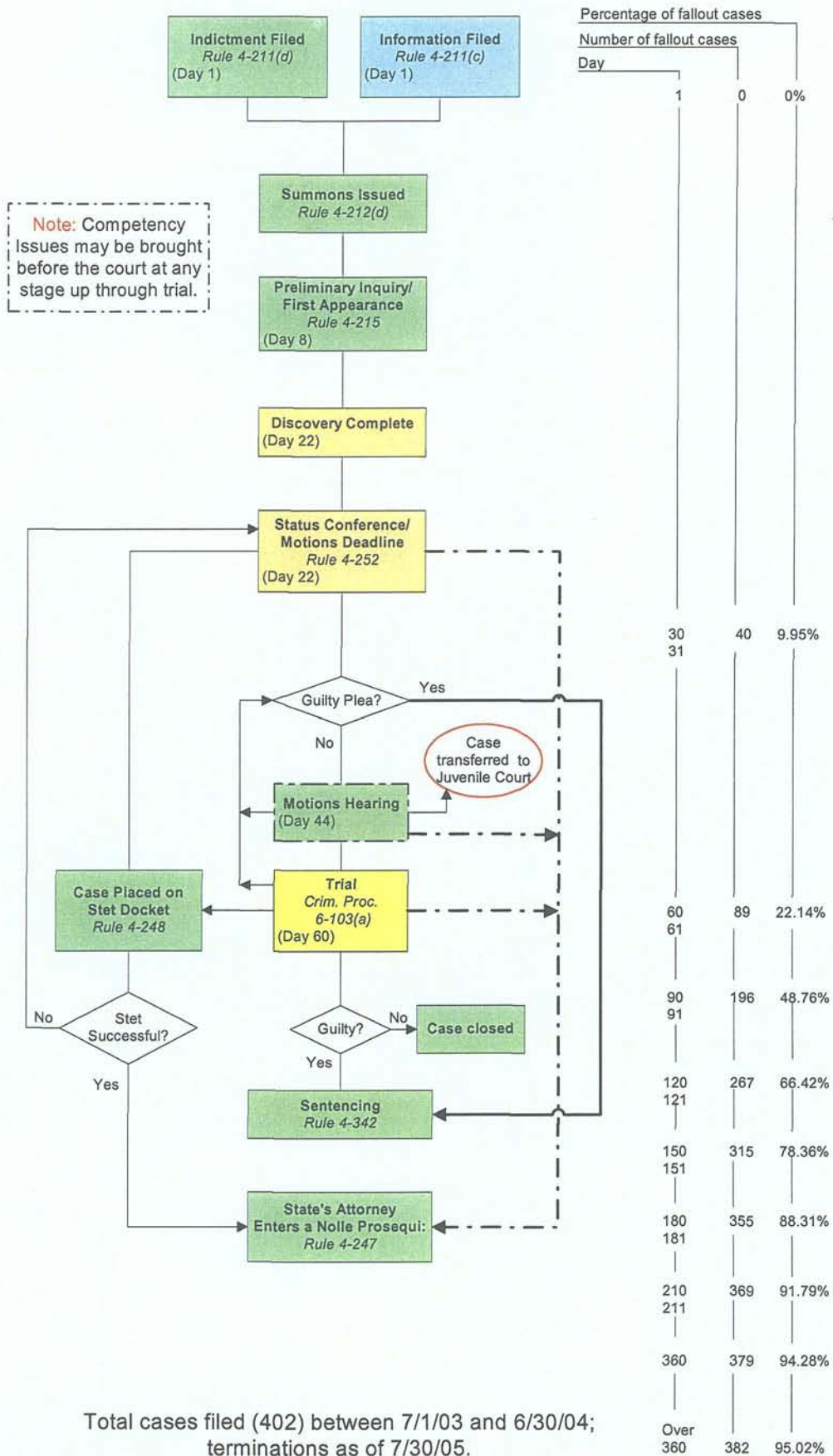
GOLD-District Court

TAB TRACK 2

Criminal Track 2

Routine

Defendant Locally Incarcerated



CRIMINAL TRACK 2 - ROUTINE

Defendant is Locally Incarcerated

Aggravated Assaults, Robbery, Burglary, Daytime Housebreaking, Storehousebreaking, CDS, Theft, Forgery, Uttering

Track 2 cases include offenses from low to medium complexity, such as:

Robbery, Burglary, Daytime Housebreaking, Storehousebreaking, CDS, Theft, Forgery, Uttering, and Aggravated Assaults in which the defendant is locally incarcerated. In order to move these cases through the system as expeditiously as possible, Track 2 provides for a Rule 4-215 Hearing on an expedited basis approximately a week following indictment or the filing of an Information. Discovery is due within three weeks of the filing date, though the policy is that it be complete at the time of filing.

A Status Conference is held within 3 weeks of the filing date to determine whether a plea agreement has been reached, pending motions are resolved or scheduled, and the trial date is confirmed. If a separate motions hearing is necessary, then a motions hearing is scheduled no later than 6 weeks from the filing date. If the defendant is a juvenile, the Court may find at a motions hearing that the transfer of the case to the Juvenile Court is in the interest of the child or society. The case is transferred upon such a finding to the Juvenile Court, ending the proceedings in the Circuit Court. (Section 4-202 of the Criminal Procedure Article)

The State's Attorney may elect to place a case on the *stet* (inactive or stayed) docket. If the conditions associated with the *stet* are fulfilled or complied with, the case is removed from the *stet* docket and the State's Attorney enters a *nolle prosequi*. If the

conditions are not met or violated, the case is reactivated and a Status Conference is set to determine how it will be handled—by trial, plea, *nolle prosequi*, etc.

If a case does go to trial and a mistrial is declared, either for an error that occurs during the trial or when a jury cannot reach a verdict, then the case is scheduled for a Status Conference as above unless the State's Attorney enters a *nolle prosequi* at the declaration of the mistrial.

Track 2 cases have a disposition time goal of 60 days from the filing of the Indictment or Information to trial.

CRIMINAL TRACK 2 - ROUTINE

Defendant is Locally Incarcerated

Aggravated Assaults, Robbery, Burglary, Daytime Housebreaking, Storehousebreaking, CDS, Theft, Forgery, Uttering

=====

DAY

1 INFORMATION / INDICTMENT

Information sheet and scheduling order with trial date served with summons. Plea judge assigned.

8 7 days 4-215 HEARING

Scheduled on Friday at 9:00 AM before the Administrative Judge.

22 14 days DISCOVERY TO BE COMPLETED

Line for non-compliance may be filed, as the State has agreed to provide discovery.

22 14 days STATUS CONFERENCE/MOTIONS FILING DEADLINE

Scheduled on Thursdays and Fridays at 8:30 AM. Pending motions, if any, are resolved or scheduled. Trial date is confirmed, or rescheduled. Pleas may be taken, or scheduled at the status conference.

Motions are to be filed by the date indicated in order to set a firm motion's date at the status conference.

CRIMINAL TRACK 2 - ROUTINE (CONTINUED)

DAY

44 22 days MOTIONS HEARING DATE

The motions hearing date will not be in effect unless motions are filed, and the hearing date is confirmed at the status conference.

60 16 days TRIAL DATE

Case will proceed to trial.

When any trial date is full, the assignment will shift to the next available date.

TAB G

CRIMINAL SCHEDULING ORDER


Case No. 0-C

00000

Caption: STATE OF MARYLAND v.

This ORDER is your official notice of dates and required Court appearances. It may not be modified except by leave of Court upon a showing of good cause; stipulations between counsel shall not be effective to change any deadlines in the order absent Court approval. Parties shall provide discovery pursuant to Rule 4-263. Sanctions may apply for failure to comply with the terms of this Order.

SEPTEMBER 30, 2005
FILING DATE


Ann S. Harrington,
County Administrative Judge

TRACK 2 (JAIL)

RULE 4-215 HEARING	10/07/2005 at 09:00am
STATUS CONFERENCE	10/21/2005 at 08:30am
DISCOVERY COMPLETED	10/21/2005
MOTIONS FILING DEADLINE	10/21/2005
MOTION HEARING DATE*	11/18/2005
TRIAL	11/28/2005 at 09:30am

* NOTE: The motions hearing date will not be in effect unless motions are filed and the hearing is confirmed at the status conference.

Please give all enclosed papers to your attorney.
Por favor, dele a su abogado todos estos documentos.

Distribution: File

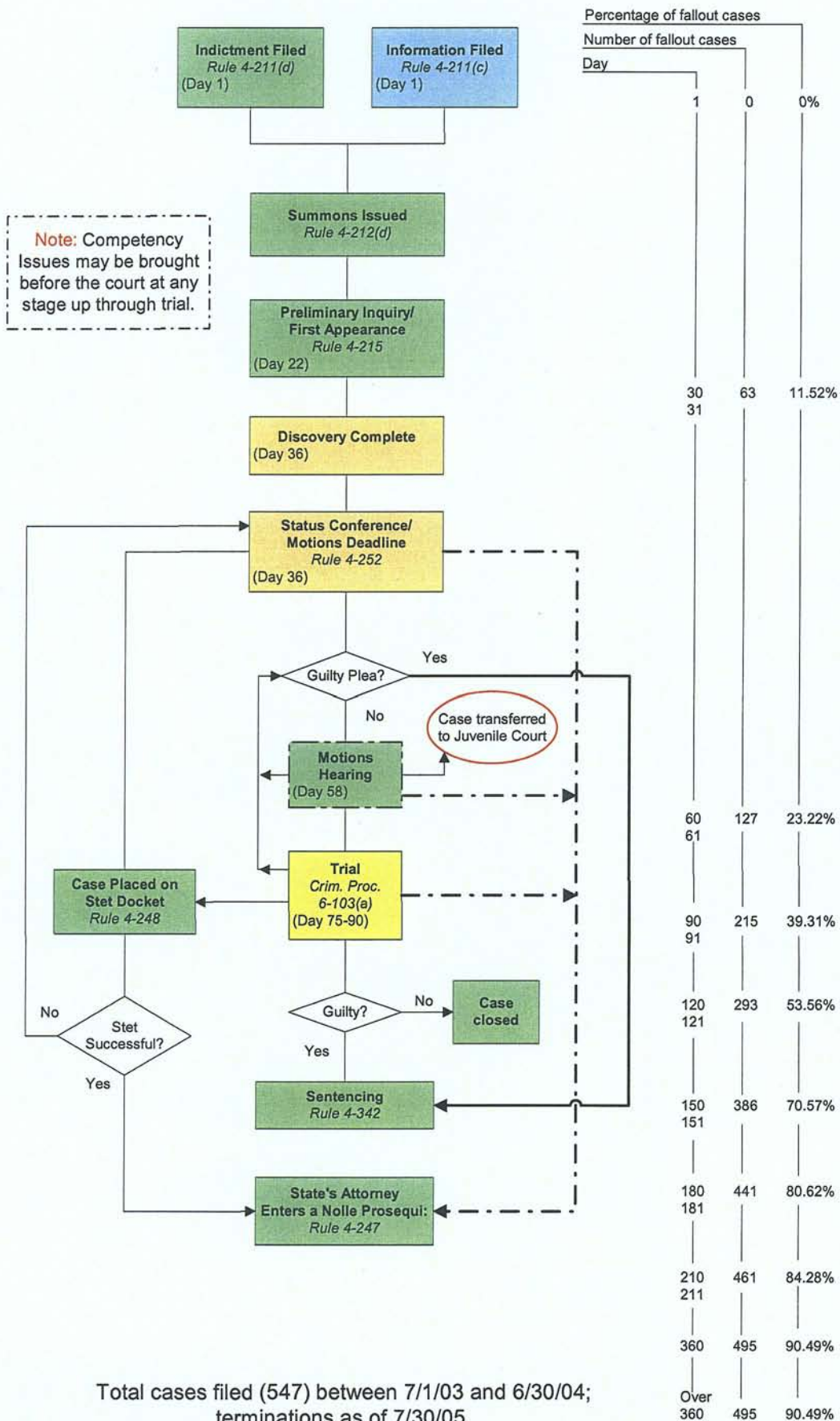
10/12/2005 11:05:29

TAB TRACK 3

Criminal Track 3

Routine

Defendant on Bond/Writ Status



CRIMINAL TRACK 3 - ROUTINE

Defendant is on Bond or Writ Status

Aggravated Assaults, Robbery, Burglary, Daytime Housebreaking, Storehousebreaking, CDS, Theft, Forgery, Uttering.

Track 3 cases include offenses from low to medium complexity, such as:

Robbery, Burglary, Daytime Housebreaking, Storehousebreaking, CDS, Theft, Forgery, Uttering, and Aggravated Assaults in which the defendant is either free on bond or is incarcerated elsewhere and must be brought to the jurisdiction on a writ. Track 3 provides for a Rule 4-215 Hearing 3 weeks following indictment or the filing of an Information. Discovery is due within 5 weeks of the filing date, though the policy is that it be complete at the time of filing.

A Status Conference is held within 5 weeks of the filing date to determine whether a plea agreement has been reached, pending motions are resolved or scheduled, and the trial date is confirmed. If a separate motions hearing is necessary, then a motions hearing is scheduled no later than 8 weeks from the filing date. If the defendant is a juvenile, the Court may find at a motions hearing that the transfer of the case to the Juvenile Court is in the interest of the child or society. The case is transferred upon such a finding to the Juvenile Court, ending the proceedings in the Circuit Court. (Section 4-202 of the Criminal Procedure Article)

The State's Attorney may elect to place a case on the *stet* (inactive or stayed) docket. If the conditions associated with the *stet* are fulfilled or complied with, the case is removed from the *stet* docket and the State's Attorney enters a *nolle prosequi*. If the

conditions are not met or violated, the case is reactivated and a Status Conference is set to determine how it will be handled—by trial, plea, a *nolle prosequi*, etc.

If a case does go to trial and a mistrial is declared, either for an error that occurs during the trial or when a jury cannot reach a verdict, then the case is scheduled for a Status Conference as above unless the State's Attorney enters a *nolle prosequi* at the declaration of the mistrial.

Track 3 cases have a disposition time goal of 75-90 days from the filing of the Indictment or Information to trial.

CRIMINAL TRACK 3 - ROUTINE

Defendant is on Bond or Writ Status

Aggravated Assaults, Robbery, Burglary, Daytime Housebreaking, Storehousebreaking, CDS, Theft, Forgery, Uttering.

=====

DAY

- | | | |
|----|---------|--|
| 1 | | INFORMATION / INDICTMENT |
| | | Information sheet and scheduling order with trial date served with summons. Plea judge assigned. |
| 22 | 21 days | 4-215 HEARING |
| | | Scheduled on Friday at 9:00 AM before the Administrative Judge. |
| 36 | 14 days | DISCOVERY TO BE COMPLETED |
| | | Line for non-compliance may be filed, as the State has agreed to provide discovery. |
| 36 | 14 days | STATUS CONFERENCE/MOTIONS FILING DEADLINE |
| | | Scheduled on Thursdays and Fridays at 8:30 AM. Pending motions, if any, are resolved or scheduled. Trial date is confirmed, or rescheduled. Pleas may be taken, or scheduled at the status conference. |
| | | Motions are to be filed by the date indicated in order to set a firm motion's date at the status conference. |

CRIMINAL TRACK 3 - ROUTINE (CONTINUED)

DAY

58

22 days

MOTIONS HEARING DATE

The motions hearing date will not be in effect unless motions are filed, and the hearing date is confirmed at the status conference.

75 - 90

17 - 32 days

TRIAL DATE

Case will proceed to trial.

When any trial date is full, the assignment will shift to the next available date.

TAB H

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

CRIMINAL SCHEDULING ORDER

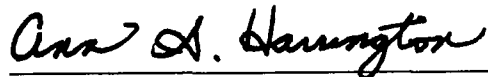
Case No. 0-C

00000

Caption: STATE OF MARYLAND v.

This ORDER is your official notice of dates and required Court appearances. It may not be modified except by leave of Court upon a showing of good cause; stipulations between counsel shall not be effective to change any deadlines in the order absent Court approval. Parties shall provide discovery pursuant to Rule 4-263. Sanctions may apply for failure to comply with the terms of this Order.

SEPTEMBER 30, 2005
FILING DATE


Ann S. Harrington,
County Administrative Judge

TRACK 3 (ROUTINE)

RULE 4-215 HEARING	10/21/2005 at 09:00am
STATUS CONFERENCE	11/04/2005 at 08:30am
DISCOVERY COMPLETED	11/04/2005
MOTIONS FILING DEADLINE	11/04/2005
MOTION HEARING DATE*	12/02/2005
TRIAL	12/15/2005 at 09:30am

* NOTE: The motions hearing date will not be in effect unless motions are filed and the hearing is confirmed at the status conference.

Please give all enclosed papers to your attorney.
Por favor, dele a su abogado todos estos documentos.

Distribution: File

10/12/2005 11:05:50

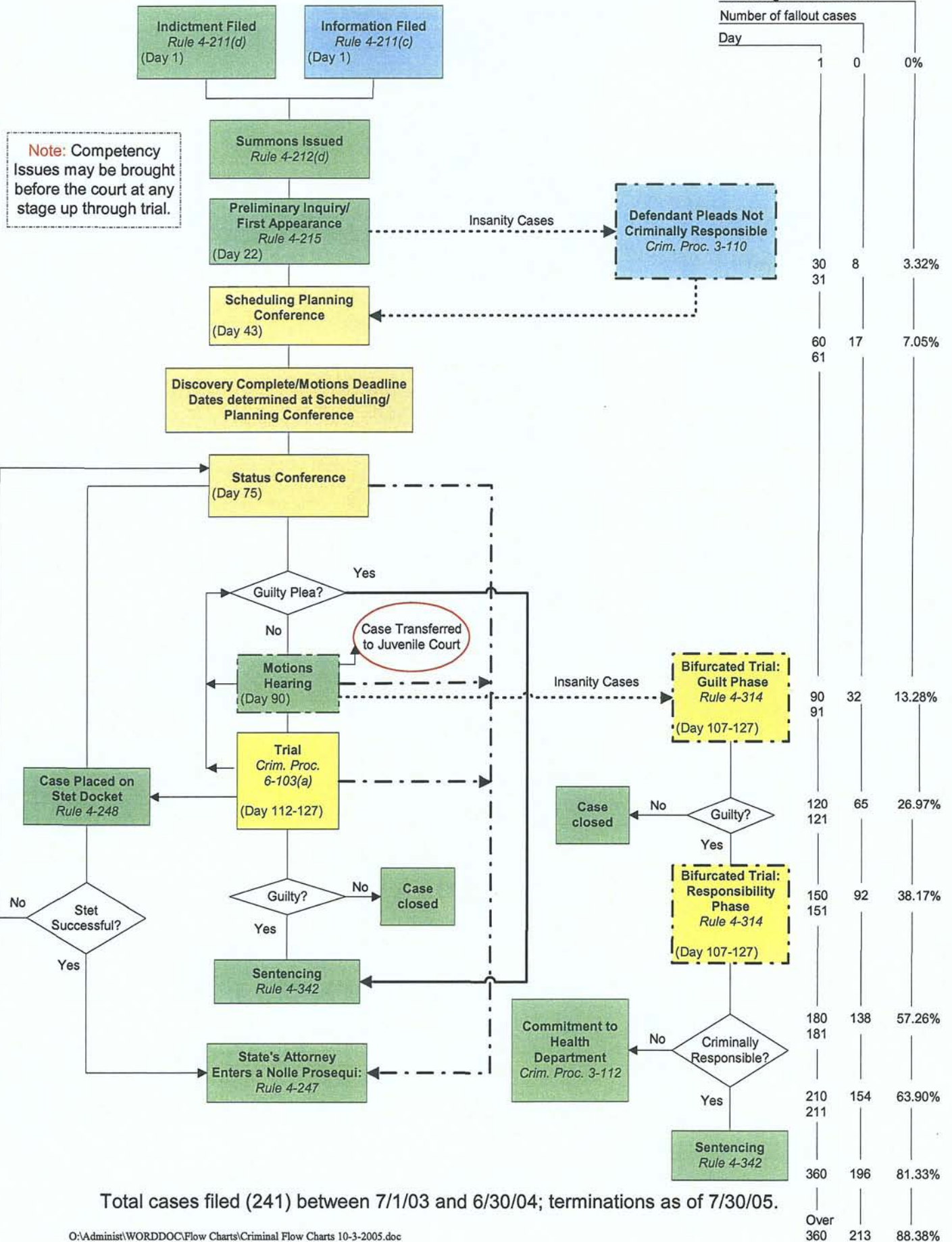
TAB
TRACK 4

Criminal Track 4 Complex

Percentage of fallout cases

Number of fallout cases

Day



CRIMINAL TRACK 4 - COMPLEX

Defendant may be on Bond, Writ Status, or Incarcerated

Homicide, Rape, First and Second Degree Sex Offenses, Child Abuse, Major Fraud, Consolidated, Arson, DNA Cases, Kidnapping, Attempted Homicide.

Track 4 is reserved for complex cases including: Homicide, Rape, First and Second Degree Sex Offenses, Child Abuse, Major Fraud, and Arson, as well as DNA and insanity cases. Track 4 cases are specially assigned to a judge on the day the Indictment or Information is filed with the court. **All events** are to be handled by the assigned judge with the exception of the **Rule 4-215** Hearing, which is scheduled 3 weeks after the filing date.

Track 4 cases have trial and other scheduled events assigned as guideline dates for the cases to be disposed within the statutory timeframe. A Scheduling/Planning Conference is held 6 weeks after the filing date, at which time the assigned judge will determine a realistic discovery schedule and motions cut-off deadline, resolve preliminary motions, if possible, confirm the estimated trial time, and identify companion or related cases that may need to be consolidated. Typically, a Status Conference is held 10 weeks after the filing date to handle the taking of guilty pleas, schedule motions hearing dates, refine estimates of trial time, change the trial date, if necessary, and determine whether the cases will be tried before a jury or a judge. Motions hearing dates are initially set within 15 days of the Status Conference and the trial is scheduled 16 to 18 weeks from the filing date.

If the defendant files a pleading indicating a defense of “not criminally responsible” by reason of mental illness or disability (insanity), a bifurcated trial procedure may be followed involving two separate proceedings to determine guilt first and criminal responsibility second. The State’s Attorney may elect to place a case on the *stet* (inactive or stayed) docket. If the conditions associated with the *stet* are fulfilled or complied with, the case is removed from the *stet* docket and the State’s Attorney enters a *nolle prosequi*. If the conditions are not met or violated, the case is reactivated and a Status Conference is set to determine how it will be handled—by trial, plea, *nolle prosequi*, etc.

If a case does go to trial and a mistrial is declared, either for an error that occurs during the trial or where a jury cannot reach a verdict, then the case is scheduled for a Status Conference as above unless the State’s Attorney enters a *nolle prosequi* at the declaration of the mistrial.

The disposition time goal for Track 4 cases is 112-127 days from the filing of the Indictment or Information to trial.

CRIMINAL TRACK 4 - COMPLEX

Defendant may be on Bond, Writ Status, or Incarcerated

Homicide, Rape, First and Second Degree Sex Offenses, Child Abuse, Major Fraud, Consolidated, Arson, DNA Cases.

=====

DAY

1		INFORMATION / INDICTMENT
		Information sheet and scheduling order with trial date served with summons. Case is assigned to a judge.
22	21 days	RULE 4-215 HEARING
		Scheduled on Friday at 9:00 AM before the Administrative Judge.
43	21 days	SCHEDULING/PLANNING CONFERENCE
		Scheduled on Friday at 1:30 PM. Approve discovery schedule, cut-off date for discovery, motions cut-off deadline, resolve preliminary motions if possible, confirm estimated trial time, and determine if there are any companion or consolidated cases.
75	32 days	STATUS CONFERENCE
		Scheduled on Friday at 1:30 PM. Guilty pleas should be taken, motions scheduled, firm the estimated trial time, confirm whether trial will be jury or non-jury, or set a new trial date if needed.

CRIMINAL TRACK 4 - COMPLEX (CONTINUED)

DAY

90 15 days MOTIONS HEARING DATE

The motions hearing date will not be in effect unless motions are filed, and the hearing date is confirmed at the status conference.

112 - 127 22 - 37 days TRIAL DATE

Case will proceed to trial.

When any trial date is full, the assignment will shift to the next available date.

TAB I

CRIMINAL SCHEDULING ORDER

Case No. 0-C

00000

Caption: STATE OF MARYLAND v.

This ORDER is your official notice of dates and required Court appearances. It may not be modified except by leave of Court upon a showing of good cause; stipulations between counsel shall not be effective to change any deadlines in the order absent Court approval. Parties shall provide discovery pursuant to Rule 4-263. Sanctions may apply for failure to comply with the terms of this Order.

Ann S. Harrington

Ann S. Harrington,
County Administrative Judge

SEPTEMBER 30, 2005
FILING DATE

TRACK 4 COMPLEX

RULE 4-215 HEARING	10/21/2005 at 09:00am
SCHEDULING/PLANNING CONF.	11/04/2005 at 01:30pm
STATUS CONFERENCE	12/16/2005 at 01:30pm
MOTION HEARING DATE*	12/30/2005
TRIAL	01/31/2006 at 09:30am

* NOTE: The motions hearing date will not be in effect unless motions are filed and the hearing is confirmed at the status conference.

Please give all enclosed papers to your attorney.
Por favor, dele a su abogado todos estos documentos.

Distribution: File

10/12/2005 11:06:16

TAB J

GENERAL CRIMINAL INFORMATION AND PROCEDURE

DISMISSAL OF CRIMINAL DISTRICT COURT APPEALS

In accordance with Maryland Rule 7-112, when a District Court Appeal is dismissed, the case is to be remanded to the District Court. Do not issue a bench warrant on these matters. When the District Court receives the case, it will issue a bench warrant in an offense punishable by incarceration or issue a summons in a traffic offense.

CRIMINAL PRE-TRIAL DOCKET

Each case will only be allowed one pre-trial date. No resets of the PT date will be allowed unless the State and Defense Counsel agree that the matter can be disposed of by the next pre-trial date.

Cases that are not resolved at the pre-trial level will be set for trial within thirty (30) days. The Public Defender's Office acknowledges that this may mean double booking on its calendar. Should a problem arise with a case that is double booked, the Court will accommodate the problem by trailing one of the cases.

CRIMINAL MOTIONS CALENDAR (9:30 A.M. FRIDAY)

Any continuances that are requested on the scheduled hearing date shall be sent to the Administrative Judge for consideration. A preliminary call of the docket should be made at 9:30 a.m. for continuance requests to be sent to the Administrative Judge and to take care of any preliminary matters. The Assignment Office is to be notified when cases are sent to the Administrative Judge and for any assistance that may be needed.

The criminal motions calendar is set at 9:30 a.m. It is requested that all judges refrain from scheduling violations of probation, pleas, and sentencings at this time on Fridays in order for the State's Attorney's Office and Public Defender's Office to be available for the criminal motions, status conference, and pre-trial calendars.

PLEA AGREEMENT POLICY

1. A plea will not be added to the docket until a formal Plea Agreement is filed. The exception to this is: a plea is agreed to at the 8:30 a.m. status conference. It will then be posted in the computer with a notation "Plea agreement to be filed."
2. All plea agreements are to be brought directly to the Assignment Office.
PLEASE DO NOT SEND PLEA AGREEMENTS TO THE CRIMINAL DEPARTMENT.
3. If a plea agreement is filed the day before the scheduled plea, the State's Attorney's Office must walk the file through the Assignment Office.

STEPS TO BE TAKEN WHEN FILING A PLEA AGREEMENT

- A. A courtesy copy of the Plea Agreement should be taken to the Assignment Office in order for the case to be added to the docket and computer system.
- B. The original Plea Agreement should be taken to the Administrative Judge's chambers to have the plea stamped.
- C. The Court file should then be taken to the Criminal Department to have it worked.
- D. The file should then be taken to the judge who has been assigned the case or who will be hearing the plea.

PLEASE HAVE STEPS A THROUGH D ACCOMPLISHED BY 3:00 P.M. SO THAT THE PLEA WILL BE REFLECTED ON THE NEXT DAY'S DOCKET.

4. The plea agreement should list both the **DATE** and **TIME** of the plea, which has been cleared with the judge's chambers or cleared in open court. If a date has not been cleared, the Assignment Office will contact the judge's chambers and get a date convenient to the court and prior to the trial date. It is preferable for the State to list a date that has been cleared since the Assignment Office will **NOT** clear the date with counsel of record.
5. If a plea agreement is given to the judge on the bench, please make sure it has been signed by that judge.

6. Should a plea be taken in open court without a written plea agreement, no follow-up will be done by the Assignment Office with respect to whether that plea agreement has been entered in the file.

PRE-INDICTMENT PLEAS

When counsel have agreed to a pre-indictment plea, the defendant may plea before any of the judges sitting in criminal. The plea judge availability will be as follows: When one judge receives five pre-indictment pleas, they are no longer available until the other two judges in that criminal rotation receive five pleas. When all three criminal judges have received five pleas, the count will start over again.

TAB K

PROCEDURES FOR CONTINUANCES IN CRIMINAL MATTERS

Pursuant to Maryland Rule 4-271 and 16-101(d)(3)(ii), and Maryland Code, Article 27, Section 591(b), the following is the policy for continuances of criminal matters in the Circuit Court for Montgomery County, Maryland:

1. Due to the duties associated with the administration of the court, personal trial calendar, leave status, or any other activity that would require the absence of the County Administrative Judge, a designation order will be signed by the County Administrative Judge assigning an Acting County Administrative Judge for a specified time period to handle the associated administrative functions (see attached).
2. All trial continuances in criminal matters, including the 8:30 a.m. District Court criminal docket, are to be referred to the County Administrative Judge or the designated Acting County Administrative Judge in their absence.
3. All motions for continuances filed in advance of the trial date are referred to the Administrative Aides for review and ruling by the County Administrative Judge or the designated Acting County Administrative Judge in their absence.
4. All criminal motion dates have been cleared with counsel at the status conference level. If a continuance of a criminal motion is requested on the scheduled hearing date, the matter is to be referred to the County Administrative Judge or the designated Acting County Administrative Judge in their absence.

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

ORDER

Pursuant to Maryland Rule 16-101, I have this _____ day of _____, _____, designated The Honorable **James L. Ryan** as Acting Administrative Judge on **November 23, 2005**. This will include the 8:30 Criminal Jury Demand Appeals/ Docket, the 9:30 Criminal Indictment Docket, the 10:30 Family Motions Docket and the 1:30 Family Motions Docket.

ANN S. HARRINGTON
Administrative Judge
Circuit Court for Montgomery
County, Maryland

cc: The Honorable James L. Ryan
Joette Clagett, Administrative Aide
Molly Q. Ruhl, Clerk of the Court
Douglas Gansler, State's Attorney
Raymond Kight, Sheriff
Chief Courtroom Clerk
Susan Kalil, DCM Coordinator
Court Administration
Nancy Galvin, Jury Commissioner
Pam Harris, Court Administrator
Ellen Steiger, Assignment Commissioner
Family Division Coordinator
Karen Smith, Law Librarian
Joseph Griffin, Register of Wills
Tammy Safi, Trust Clerk
Dave Seeman, Technical Services
DRM
Juvenile Case Manager

*481 Rule 4-271

WEST'S MARYLAND RULES OF COURT
MARYLAND RULES
TITLE 4. CRIMINAL CAUSES
CHAPTER 200. PRETRIAL PROCEDURES

Current with amendments received through February 1, 2002

RULE 4-271. TRIAL DATE

(a) Trial Date in Circuit Court.

(1) The date for trial in the circuit court shall be set within 30 days after the earlier of the appearance of counsel or the first appearance of the defendant before the circuit court pursuant to Rule 4-213, and shall be not later than 180 days after the earlier of those events. When a case has been transferred from the District Court because of a demand for jury trial, and an appearance of counsel entered in the District Court was automatically entered in the circuit court pursuant to Rule 4-214 (a), the date of the appearance of counsel for purposes of this Rule is the date the case was docketed in the circuit court. On motion of a party, or on the court's initiative, and for good cause shown, the county administrative judge or that judge's designee may grant a change of a circuit court trial date. If a circuit court trial date is changed, any subsequent changes of the trial date may be made only by the county administrative judge or that judge's designee for good cause shown.

(2) Upon a finding by the Chief Judge of the Court of Appeals that the number of demands for jury trial filed in the District Court for a county is having a critical impact on the efficient operation of the circuit court for that county, the Chief Judge, by Administrative Order, may exempt from this section cases transferred to that circuit court from the District Court because of a demand for jury trial.

(b) Change of Trial Date in District Court. The date for trial in the District Court may be changed on motion of a party, or on the court's initiative, and for good cause shown.

Committee note: Subsection (a)(1) of this Rule is intended to incorporate and continue the provisions of Rule 746 from which it is derived. Stylistic changes have been made.

Source: This Rule is derived as follows:

Section (a) is in part derived from former Rule 746 a and b, and is in part new.

Section (b) is derived from former M.D.R. 746.

***482** Adopted effective July 1, 1984. Amended April 7, 1986, effective July 1, 1986; June 3, 1988, effective July 1, 1988; amended effective March 23, 1989; amended January 8, 2002, effective February 1, 2002.

***1309 Rule 16-101**

WEST'S MARYLAND RULES OF COURT
MARYLAND RULES
TITLE 16. COURTS, JUDGES, AND ATTORNEYS
CHAPTER 100. COURT ADMINISTRATIVE STRUCTURE,
JUDICIAL DUTIES, ETC.

Current with amendments received through February 1, 2002

RULE 16-101. ADMINISTRATIVE RESPONSIBILITY

a. Chief Judge of the Court of Appeals.

1. Generally. The Chief Judge of the Court of Appeals has overall responsibility for the administration of the courts of this State. In the execution of that responsibility, the Chief Judge:

(A) may exercise the authority granted by the Rules in this Chapter or otherwise by law;

(B) shall appoint a State Court Administrator to serve at the pleasure of the Chief Judge;

(C) may delegate administrative duties to other persons within the judicial system, including retired judges recalled pursuant to Md. Constitution, Article IV, § 3A; and

(D) may assign a judge of any court other than an Orphans' Court to sit temporarily in any other court.

2. Pretrial Proceedings in Certain Criminal Cases. The Chief Judge of the Court of Appeals may, by Administrative Order, require in any county a pretrial proceeding in the District Court for an offense within the jurisdiction of the District Court punishable by imprisonment for a period in excess of 90 days.

b. Chief Judge of the Court of Special Appeals. The Chief Judge of the Court of Special Appeals shall, subject to the direction of the Chief Judge of the Court of Appeals, and pursuant to the provisions of this Title, be responsible for the administration of the Court of Special Appeals. With respect to the administration of the Court of Special Appeals, and to the extent applicable, the Chief Judge of the Court of Special Appeals shall possess the authority granted to a County Administrative Judge in section d of this Rule.

c. Circuit Administrative Judge.

1. Designation. In each judicial circuit there shall be a Circuit Administrative Judge, who shall be appointed by order and serve at the pleasure of the Chief Judge of the Court of Appeals. In the absence of any such appointment, the Chief Judge of the judicial circuit shall be the Circuit Administrative Judge.

***1310 2. Duties.** Each Circuit Administrative Judge shall be generally responsible for the administration of the several courts within the judicial circuit, pursuant to these Rules and subject to the direction of the Chief Judge of the Court of Appeals. Each Circuit Administrative Judge shall also be responsible for the supervision of the County Administrative Judges within the judicial circuit and may perform any of the duties of a County Administrative Judge. The Circuit Administrative Judge shall also call

a meeting of all judges of the judicial circuit at least once every six months.

Cross reference: For more detailed provisions pertaining to the duties of Circuit Administrative Judges, see section (d) of Rule 4-344 (Sentencing -- Review); Rule 16-103 (Assignment of Judges); and Rule 16-104 (Judicial Leave).

d. County Administrative Judge.

1. Designation. The Chief Judge of the Court of Appeals may appoint a judge of the Circuit Court for any county to be County Administrative Judge of the Circuit Court for that county. A County Administrative Judge shall serve in that capacity at the pleasure of the Chief Judge of the Court of Appeals.

2. Duties. Subject to the supervision of the Chief Judge of the Court of Appeals, a County Administrative Judge shall be responsible for the administration of justice and for the administration of the court for that county. The duties shall include:

(i) supervision of all judges, officers, and employees of the court, including the authority to assign judges within the court pursuant to Rule 16-103 (Assignment of Judges);

(ii) supervision and expeditious disposition of cases filed in the court and the control of the trial calendar and other calendars, including the authority to assign cases for trial and hearing pursuant to Rule 16-102 (Chambers Judge) and Rule 16-202 (Assignment of Actions for Trial);

(iii) preparation of the court's budget;

(iv) ordering the purchase of all equipment and supplies for the court and its ancillary services, such as master, auditor, examiner, court administrator, court stenographer, jury commissioner, staff of the medical and probation offices, and all additional court personnel other than personnel comprising the Clerk of Court's office;

(v) subject to the approval of a majority of the judges of the court, supervision of and responsibility for the employment, discharge, and classification of court personnel and personnel of its ancillary services and the maintenance of personnel files. However, each judge (subject to budget limitations) shall have the exclusive right to employ and discharge the judge's personal secretary and law clerk; and

*1311 Committee note: Article IV, § 9, of the Constitution gives the judges of any court the power to appoint officers and, thus, requires joint exercise of the personnel power. A similar provision was included in the July 17, 1967 Administrative and Procedure regulation.

(vi) implementation and enforcement of all policies, rules, and directives of the Court of Appeals, its Chief Judge, and the State Court Administrator, and performance of any other duties necessary for the effective administration of the judicial business of the court and the prompt disposition of litigation.

Cross reference: See also Rule 16-102 (Chambers Judge); Rule 16-103 (Assignment of Judges); Rule 16-201 (Motion Day--Calendar); and Rule 16-202 (Assignment of Actions for Trial).

3. Power to Delegate.

(i) A County Administrative Judge may delegate to any judge, to any committee of judges,

or to any officer or employee any of the administrative responsibilities, duties and functions of the County Administrative Judge.

(ii) In the implementation of Code, Criminal Procedure Article, § 6-103 and Rule 4-271 (a), a County Administrative Judge may authorize (A) with the approval of the Chief Judge of the Court of Appeals, one or more judges to postpone criminal cases on appeal from the District Court or transferred from the District Court because of a demand for jury trial, and (B) not more than one judge at a time to postpone all other criminal cases.

4. Single Judge Counties. In a county that has only one resident judge of the Circuit Court, that judge shall exercise the power and authority of a County Administrative Judge.

Source: This Rule is derived from former Rule 1200.

Adopted effective January 1, 1997. Amended March 5, 2001, effective July 1, 2001; amended January 8, 2002, effective February 1, 2002.

*8414 Code, Criminal Procedure, § 6-103

WEST'S MARYLAND CODE
CRIMINAL PROCEDURE
TITLE 6. TRIAL AND SENTENCING
SUBTITLE 1. TRIAL

Current through End of 2001 Reg. Sess.

§ 6-103. Trial date

(a)(1) The date for trial of a criminal matter in the circuit court shall be set within 30 days after the earlier of:

- (i) the appearance of counsel; or
- (ii) the first appearance of the defendant before the circuit court, as provided in the Maryland Rules.

(2) The trial date may not be later than 180 days after the earlier of those events.

(b)(1) For good cause shown, the county administrative judge or a designee of the judge may grant a change of the trial date in a circuit court:

- (i) on motion of a party; or
- (ii) on the initiative of the circuit court.

(2) If a circuit court trial date is changed under paragraph (1) of this subsection, any subsequent changes of the trial date may only be made by the county administrative judge or that judge's designee for good cause shown.

(c) The Court of Appeals may adopt additional rules to carry out this section.

Added by Acts 2001, c. 10, § 2, eff. Oct. 1, 2001. Amended by Acts 2001, c. 35, § 1, eff. Oct. 1, 2001; Acts 2001, c. 657, § 1, eff. Oct. 1, 2001.

TAB L

PROCEDURES FOR CONTINUANCES IN CRIMINAL TRACK 4 CASES

The procedure for **TRACK4—CRIMINAL CONTINUANCES** is as follows:

1. The Track 4 judge will initially hear or review the Request for Continuance.
2. **RULING WITHOUT HEARING:** The Track 4 judge will review the Motion and determine if a continuance is necessary and whether the trial can be reset on that particular judge's calendar. The new date **MUST** be cleared through the Assignment Office and the Track 4 judge must be sitting in the criminal rotation if it is going to stay on his/her calendar. If it is recommended that the Motion be granted, the Track 4 judge is to complete the attached Order with the new dates. The law clerk will immediately walk the Order and the Continuance Reason Form to the Administrative Judge's chambers for final signature. The Administrative Judge's staff will send the Assignment Office a copy of the executed Order, and make a notation on the back of the original Order that a copy was delivered to the Assignment Office and initial it. The law clerk will then walk the original Order back to their chambers and place it in the court file.
3. **RULING FROM THE BENCH:** If an oral Motion for Continuance is made in Court (i.e., at the Scheduling Conference), the Track 4 judge will state on the record that, "it is recommended that the Administrative Judge grant the continuance of the trial date to _____ (the agreed upon date **MUST** be cleared with the Assignment Office)." The Track 4 judge will then complete the attached Order and the Track 4 judge's law clerk will walk it immediately to the Administrative Judge's chambers for final signature. The Administrative Judge's staff will then send the Assignment Office a copy of the completed Order, and make a notation on the back of the original Order that a copy was delivered to the Assignment Office and initial it. The law clerk will then walk the original Order back to their chambers and place it in the court file.
4. 180 Day continuances **must** be sent to the Administrative Judge or Acting Administrative Judge for ruling.

TRACK 4 – PLEASE NOTE

Criminal rotations are only eight (8) weeks. Therefore, most cases that are continued may result in being reassigned to the next judge on rotation for all matters including Motions.

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

STATE OF MARYLAND

v.

Criminal No. _____

Defendant

:
:
:
:
:
:
:

ORDER

Upon consideration of the Motion to Continue the trial date in the above-captioned case, and for good cause shown, it is this _____ day of _____, _____, by the Circuit Court for Montgomery County, Maryland,

ORDERED, that the trial date be and hereby is continued to _____ at 9:30 a.m. before The Honorable _____ for _____ day(s).

ANN S. HARRINGTON, Administrative Judge

By written or oral motion _____ (tab no. _____)

In Court _____ before Judge _____ (attorneys present: State - _____ Defense - _____)

Was the Defendant present? (yes / no)

Confirmed date w/ Assignment Office (yes / no)

Original trial date: _____

Checked 180 d. : _____ (waived _____)

CONTINUANCE

Case Number: _____ Age of Case: _____ Date: _____

Case Name: _____
vs. _____

Requested By: Plaintiff ___ State ___ Def/Res ___ Joint ___ Judge ___ County ___ Other _____

Reason for Continuance (please circle reason code(s))

Please use ___ as main reason for continuance when multiple reasons are used

REASON CODE	REASON FOR TRIAL DATE CONTINUANCE	CASES APPLIED TO*
A	CALENDAR CONFLICTS - PARTY NEEDS TO GET AFFAIRS IN ORDER	1234567
B	CASE TRAILED OR WAS ON THE TBA DOCKET AND NOT REACHED	1234567
C	CHEMIST NOT AVAILABLE	3
D	DEF, RESP OR PLTF NOT TRANSPORTED OR WRIT NEVER REQUESTED	1234567
E	DEFT OR RESP - CONTINUANCE REASON NOT DISCLOSED	36
F	DEF/RESP IS PARTICIPATING IN A REHABILITATION PROGRAM	36
G	DISC/ADR INCOMPLETE AND/OR DISC DISPUTES/ADD'L TIME NEEDED TO PREPARE	1234567
H	FORENSIC EVIDENCE INCOMPLETE	36
I	ILLNESS, MEDICAL EMERGENCY OR DEATH	1234567
J	INCREASE/DECREASE COURT TIME/TRACK CHANGE/TO TRAIL BEHIND ANOTHER CASE	1234567
K	INTERPRETER OR ADA SPECIAL NEEDS REQUESTED	1234567
L	JUDGE DISQUALIFIED/RECUSED FROM CASE	1234567
M	JUDGE UNABLE TO REACH COURT EVENT (e.g. ILLNESS, SCHEDULING CONFLICT)	1234567
N	MENTAL EVALUATION INCOMPLETE	1234567
O	MILITARY SERVICE	1234567
P	NEW COMP/PETN/3RD PARTY COMP/CONSOLIDATION PEND/COMP NOT AT ISSUE/RIPE	1234567
Q	NEW COUNSEL SOUGHT OR HAS ENTERED THEIR APPEARANCE OR NOT APPOINTED	1234567
R	PARENT NOT PRESENT	6
S	PENDING MOTIONS TO BE HEARD OR RULED ON	1234567
T	POLICE OFFICER NOT AVAILABLE	1234567
U	REPORTS AND EVALUATIONS NOT COMPLETED/RE-EVALUATION ORDERED.	16
V	REQ FOR SERVICES (e.g. PVT CUST & MENTAL HEALTH EVALS, PVT MEDIATION)	1
W	SETTLEMENT, PLEA OR RECONCILIATION IN PROGRESS	1234567
X	SUBPOENA NOT ISSUED FOR WITNESS	1234567
Y	UNDER ADVISEMENT	1234567
Z	VACATION PLANS/RELIGIOUS REASONS	1234567
AA	WEATHER/COURT EMERGENCIES/ADMINISTRATIVE COURT CLOSURE	1234567
BB	WITNESS UNAVAILABLE - NEW WITNESS IDENTIFIED	1234567
CC	PARTY(S) DID NOT RECEIVE NOTICE OF COURT DATE	1234567
DD	COMPETENCY EVALUATION ORDERED	36
EE	LEGISLATIVE CONTINUANCE	1234567
ZZ	COMPUTER GENERATED TRIAL DATE CONFORMED TO COUNSELS' AVAILABILITY	3

TAB M

PROCEDURE FOR CRIMINAL RESPONSIBILITY/COMPENTENCY ORDERS

All criminal files (including Track 4 cases) requiring an Order for an evaluation are to be submitted to the Administrative Judge's Administrative Aides for review, and the following procedure will be followed:

1. The Administrative Aides will review the case and attach the appropriate Order to the court file.
2. Track 4 cases will be forwarded to the Track 4 judge's chambers for signature.
3. The Track 4 judge's secretary/law clerk **must** fax a copy of the Order to the facility the same day the Order is signed.
4. All other criminal cases will be reviewed and submitted to the Administrative Judge for signature.
5. The Administrative Judge's staff **must** fax a copy of the Order to the facility the same day the Order is signed.

Fax No. (410) 970-7101

Springfield/Office of Forensic Services
Attn: Dr. Lawrence J. Raifman

Fax No. (410) 724-3179

Perkins/Office of Forensic Services
Attn: Dr. Richard Ortega

These steps ensure that the doctors are notified as soon as possible when a particular defendant needs to be evaluated. There are specified time limits in the Orders that need to be followed.

6. The files will be sent to the Criminal Department to be processed.

SIXTH JUDICIAL CIRCUIT
OF MARYLAND
JUDICIAL CENTER
ROCKVILLE, MARYLAND 20850

NN S. HARRINGTON
ADMINISTRATIVE JUDGE

*file crim.
adm
Binder*
(240) 777-9180

AMENDED MEMORANDUM

TO: HON. DELAWRENCE BEARD HON. ERIC M. JOHNSON
HON. JAMES L. RYAN HON. ANN N. SUNDT
HON. S. MICHAEL PINCUS HON. WILLIAM J. ROWAN III
HON. D. WARREN DONOHUE HON. JOHN W. DEBELIUS, III
HON. MICHAEL D. MASON HON. DENNIS M. MCHUGH
HON. DURKE G. THOMPSON HON. KATHERINE D. SAVAGE
HON. LOUISE SCRIVENER HON. MARIELSA A. BERNARD
HON. NELSON W. RUPP, JR. HON. JOSEPH A. DUGAN, JR.
HON. PATRICK L. WOODWARD HON. DAVID A. BOYNTON

FROM: JUDGE ANN S. HARRINGTON *ASK*

RE: CRIMINAL CASES – CRIMINAL RESPONSIBILITY/COMPETENCY
ORDERS

DATE: JANUARY 27, 2004

It was brought to my attention that there is a problem with the inconsistency of the Criminal Responsibility/Competency Orders that are being signed and this causes a problem for the hospital facilities. Therefore, a meeting was held with the Office of the State's Attorney, the Office of the Public Defender, the Montgomery County Sheriff's Office and Dr. Lawrence Raifman of Springfield Hospital to develop appropriate orders for evaluations. With everyone's assistance, we developed five (5) orders that meet the legal needs as well as practical needs of all involved. Also, we have developed a new procedure in order to maintain consistency. All criminal files (including Track 4 cases) requiring an order for an evaluation are to be submitted to Judge Harrington's Administrative Aides for review and the following procedure will be followed:

New procedure:

1. The Administrative Aides will review the case and attach the appropriate Order to the court file.
2. Track 4 cases will be forwarded to the Track 4 Judge's chambers for signature.
3. The Track 4 Judge's secretary/law clerk **must** fax a copy of the Order, Charging Document, Summons and Docket Entries to the facility the same day the Order is signed.

4. All other criminal cases will be reviewed and submitted to the Administrative Judge for signature.

5. The Administrative Judge's staff **must** fax a copy of the Order, Charging Document, Summons, and Docket Entries to the facility the same day the Order is signed.

Orders pursuant to Rules 12-110 and 12-104

Fax No.: (301) 929-1667 Dr. Poirer (Pre-Screener)
4315 Sunflower Drive
Rockville, Maryland 20853
301-545-0039

Orders pursuant to Rule 12-111 and 12-105

Fax No.: (410) 795-7724 Springfield / Office of Forensic Services
(Non-Violent Crimes)
Attn: Dr. Lawrence J. Raifman

Fax No.: (410) 724-3179 Perkins / Office of Forensic Services
(Violent Crimes)
Attn: Dr. Stephen Goldberg

These steps ensure that the doctors are notified as soon as possible that a particular defendant needs to be evaluated. There are specified time limits in the Orders that need to be followed.

6. The files will be sent to the Criminal Department to be processed.

ASH:db
Enclosure

cc: Pamela Harris, Court Administrator
Ellen Steiger, Assignment Commissioner
Joette Clagett, Administrative Aide
Carol Wagner, Administrative Aide
Molly Ruhl, Clerk of the Court
Kim Stark, Criminal Manager
Office of the State's Attorney
Office of the Public Defender

Springfield Hospital Center

State Of Maryland

S. Anthony McCann, Secretary
Department of Health & Mental Hygiene

Robert L. Ehrlich, Jr.
Governor

Brian Hepburn, M.D., Director
Mental Hygiene Administration

Jonathan D. Book, M.D.
Clinical Director

Paula A. Langmead
Chief Executive Officer

Janice L. Bowen
Chief Operating Officer

DATE: April 6, 2005

TO: Circuit & District Court Clerks
Office of the State's Attorney
Office of the Public Defender

FROM: Shelva Robbins, Secretary
Office of Forensic Services

RE: New Fax/Phone Numbers

Effective Monday, April 11, 2005, our phone numbers will be:

Dr. Lawrence Raifman 410 970-7101

Dr. Erik Roskes 410 970-7102

Dr. Julie Smith 410 970-7103

Dr. Cindy Eaves 410 970-7104

Shelva Robbins 410 970-7100

NEW FAX #: 410 970-7105

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

STATE OF MARYLAND :
VS : CRIMINAL NO.
----- :
Defendant :

**COMMITMENT TO THE DEPARTMENT OF HEALTH AND MENTAL
HYGIENE FOR EXAMINATION AS TO COMPETENCY TO STAND TRIAL**
(Criminal Procedure §3-105)

For good cause and after giving the defendant an opportunity to be heard, it is this
____ day of _____, _____, by the Circuit Court for
Montgomery County, Maryland,

ORDERED that the Defendant be and is hereby committed to the Department of
Health and Mental Hygiene for its examination and report as to whether the Defendant is
competent to stand trial, and it is further,

ORDERED that pending trial and/or status, the Defendant is held on bond / or
released, to be examined on an inpatient / outpatient basis at _____,
(hospital facility)
and it is further,

ORDERED, that the said defendant be examined by the Screener where
appropriate and, if incarcerated, shall be transferred under guard to an appropriate
facility. The Defendant shall be transported by the Montgomery County Sheriff's Office
when notified by the Department to do so, and at the Department's direction shall return
the Defendant to the place of original confinement, promptly notify the court when such
return has occurred. In the circumstance in which the Defendant is evaluated on an

outpatient basis (that is, not admitted to the hospital on an inpatient status), the Defendant, if incarcerated shall remain the custodial responsibility of the transporting agent which shall be the Montgomery County Sheriff's Office, and it is further,

ORDERED, that upon notification by the Department of Health and Mental Hygiene that the examination is completed, the defendant, if incarcerated, shall be returned under guard by the Montgomery County Sheriff's Office to the Montgomery County detention facility to await further action of the Court, and it is further,

ORDERED that the Department shall send a report of its opinion to the Court, the State's Attorney, the Defendant, and to Defense Counsel within sixty days of this Order, unless for good cause shown the court extends the time for examination, and it is further,

ORDERED that the Clerk of this Court shall promptly deliver a copy of this Order to the Sheriff of Montgomery County, and by first class mail,

_____ Assistant State's Attorney for Montgomery County, and _____ Defendant's Attorney.

JUDGE OF THE CIRCUIT COURT FOR
MONTGOMERY COUNTY, MARYLAND

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

STATE OF MARYLAND :
VS : CRIMINAL NO.
----- :
Defendant :

**COMMITMENT TO THE DEPARTMENT OF HEALTH AND MENTAL
HYGIENE AFTER A VERDICT OF NOT CRIMINALLY RESPONSIBLE**
(Criminal Procedure §3-112)

It having been determined beyond a reasonable doubt that the defendant
committed the criminal acts charged; and further;

It having been determined by a preponderance of the evidence that the defendant
was at the time **NOT CRIMINALLY RESPONSIBLE** for the criminal acts charged, it
is, this _____ day of _____, _____, by the Circuit Court for
Montgomery County, Maryland;

ORDERED, that the defendant, _____, is hereby
committed to the Maryland Department of Health and Mental Hygiene, at
_____ (NAME OF INSTITUTION), for institutional,
inpatient care and treatment pursuant to the Annotated Code of Maryland, Criminal
Procedure §3-112 (a) et seq. Defendant is to be held at the Montgomery County
Detention Center pending transportation to the Institution by the Montgomery County
Sheriff's Office, and it is further,

ORDERED that the Department shall complete an examination and evaluation
within 50 days of this Order, unless the Court, for good cause shown, extends the time.

The Department shall send a copy of the evaluation report to the Defendant, to the Chief Hearing Officer of the Department, to counsel for Defendant,

_____ and to Assistant State's Attorney,

_____.

ORDERED that the Clerk of this Court shall promptly deliver a copy of this Order to the Sheriff of Montgomery County, and by first class mail, State's Attorneys Office, Defense Counsel and Facility.

JUDGE OF THE CIRCUIT COURT FOR
MONTGOMERY COUNTY, MARYLAND

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

STATE OF MARYLAND :
VS : CRIMINAL NO.
----- :
Defendant :

**COMMITMENT TO THE DEPARTMENT OF HEALTH AND MENTAL
HYGIENE AFTER A FINDING OF DEFENDANT'S INCOMPETENCY TO
STAND TRIAL, AND A FINDING THAT BY REASON OF A MENTAL
DISORDER OR MENTAL RETARDATION THE DEFENDANT IS A DANGER
TO HIMSELF/HERSELF OR TO THE PERSON OR PROPERTY OF ANOTHER
(Criminal Procedure §3-106b)**

The Defendant having been charged with the commission of a crime and having been found incompetent to stand trial, and having been found by reason of a mental disorder or mental retardation to be a danger to himself/herself or to the person or property of another, it is ____ day of _____, _____ by the Circuit Court for Montgomery County, Maryland,

ORDERED that the Defendant be and is hereby committed to the Department of Health and Mental Hygiene until such time as the Court is satisfied that the Defendant no longer is by reason of a mental disorder or mental retardation a danger to himself/herself or to the person or property of another, and it is further,

ORDERED that upon receipt of this Order, the Montgomery County Sheriff's Office shall transport the Defendant immediately to _____, (hospital facility), or such other facility as the Department designates.

ORDERED that the Clerk of this Court shall promptly deliver a copy of this Order to the Sheriff of Montgomery County, and by first class mail, State's Attorneys Office, Defense Counsel and Facility.

JUDGE OF THE CIRCUIT COURT FOR
MONTGOMERY COUNTY, MARYLAND

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

STATE OF MARYLAND :
VS : CRIMINAL NO.
----- :
Defendant :

**COMMITMENT TO THE DEPARTMENT OF HEALTH AND MENTAL
HYGIENE FOR EXAMINATION AS TO COMPETENCY AND CRIMINAL
RESPONSIBILITY**
(Criminal Procedure §3-111)

The Defendant having entered a plea of not criminally responsible it is, this
_____ day of _____, _____, by the Circuit Court for
Montgomery County, Maryland,

ORDERED that the Department of Health and Mental Hygiene shall:

1. Examine the defendant pursuant to Maryland Code Criminal Procedure §3-111 et seq. to determine whether the defendant is competent to stand trial pursuant to Criminal Procedure §3-101 that is, whether the defendant is able to understand the nature or object of the proceeding or to assist in one's defense; and whether the defendant was not criminally responsible pursuant to Criminal Procedure §3-109, that is, because of mental retardation or mental disorder, lacked substantial capacity to appreciate the criminality of the conduct or to conform that conduct to the requirements of law.
2. Perform this examination on an ~~outpatient/inpatient~~ basis by the designated Pre-Trial Screener through the Community Forensic Screening Program. If, in the opinion of the screener, the defendant requires further evaluation and/or inpatient

maintenance, the screener shall provide the Court, Defense Counsel and Assistant State's Office with a report of his/her final conclusions.

3. Obtain any and all medical and other records necessary for such examinations.

4. Report its opinions to this Court within sixty (60) days of the date of this Order, unless pursuant to its request the Department of Health and Mental Hygiene has received approval of the Court for additional time necessary.

5. If in its opinion, the defendant is incompetent to stand trial, the Department shall state in a complete supplementary report whether because of mental retardation or a mental disorder, the defendant would be a danger to himself or to the person or property of another if released, and it is further,

ORDERED, that counsel for the defendant and the State's Attorney or duly authorized agents shall be permitted to examine, inspect and photocopy any records or other material upon which any agent of the Department of Health and Mental Hygiene relied in forming an opinion regarding the defendant's competency to stand trial or criminal responsibility for the offense, and it is further,

ORDERED, that the said defendant be examined by the Screener where appropriate and, if incarcerated, shall be transferred under guard to an appropriate facility. The Defendant shall be transported by the Montgomery County Sheriff's Office to the _____ for outpatient/inpatient evaluation when notified by
(Hospital Facility)

the Department of Health and Mental Hygiene to do so, and at the Department of Health and Mental Hygiene's direction shall return the Defendant to the place of original confinement, promptly notify the court when such return has occurred. In the circumstance in which the Defendant is evaluated on an outpatient basis (that is, not

admitted to the hospital on an inpatient status), the Defendant, if incarcerated shall remain the custodial responsibility of the transporting agent which shall be the Montgomery County Sheriff's Office, and it is further,

ORDERED, that upon notification by the Department of Health and Mental Hygiene that the examination is completed, the defendant, if incarcerated, shall be returned under guard by the Montgomery County Sheriff's Office to the Montgomery County detention facility to await further action of the Court, and it is further,

ORDERED that the Clerk of this Court shall promptly deliver a copy of this Order to the Sheriff of Montgomery County, and by first class mail,

_____ Assistant State's Attorney for Montgomery
County, and _____ Defendant's Attorney.

JUDGE OF THE CIRCUIT COURT FOR
MONTGOMERY COUNTY, MARYLAND

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

STATE OF MARYLAND :
VS : CRIMINAL NO.
----- :
Defendant :

**COMMITMENT TO THE DEPARTMENT OF HEALTH AND MENTAL
HYGIENE FOR EXAMINATION AS TO CRIMINAL RESPONSIBILITY**
(Criminal Procedure §3-111)

The Defendant having entered a plea of not criminally responsible, it is this
_____ day of _____, _____, by the Circuit Court for
Montgomery County, Maryland,

ORDERED that the Department of Health and Mental Hygiene shall:

1. Examine the defendant pursuant to Maryland Code Criminal Procedure §3-111 et seq. to determine whether the defendant was not criminally responsible pursuant to Criminal Procedure §3-109, that is, whether the defendant because of mental retardation or mental disorder, lacked substantial capacity to appreciate the criminality of the conduct or to conform that conduct to the requirements of law.
2. Perform this examination on an ~~outpatient/inpatient~~ basis by the designated Pre-Trial Screener through the Community Forensic Screening Program. If, in the opinion of the screener, the defendant requires further evaluation and/or inpatient maintenance, the screener shall provide the Court, Defense Counsel and State's Attorney's Office with a report of his/her final conclusions.
3. Obtain any and all medical and other records necessary for such examinations.

4. Report its opinions to this Court within sixty (60) days of the date of this Order, unless pursuant to its request the Department of Health and Mental Hygiene has received approval of the Court for additional time necessary, and it is further,

ORDERED, that counsel for the defendant and the State's Attorney or duly authorized agents shall be permitted to examine, inspect and photocopy any records or other material upon which any agent of the Department of Health and Mental Hygiene relied in forming an opinion regarding the defendant's criminal responsibility for the offense, and it is further,

ORDERED, that the said defendant be examined by the Screener where appropriate and, if incarcerated, shall be transferred under guard to an appropriate facility. The Defendant shall be transported by the Montgomery County Sheriff's Office when notified by the Department to do so, and at the Department's direction shall return the Defendant to the place of original confinement, promptly notify the court when such return has occurred. In the circumstance in which the Defendant is evaluated on an outpatient basis (that is, not admitted to the hospital on an inpatient status), the Defendant, if incarcerated shall remain the custodial responsibility of the transporting agent which shall be the Montgomery County Sheriff's Office, and it is further,

ORDERED, that upon notification by the Department of Health and Mental Hygiene that the examination is completed, the defendant, if incarcerated, shall be returned under guard by the Montgomery County Sheriff's Office to the Montgomery County detention facility to await further action of the Court, and it is further,

ORDERED that the Clerk of this Court shall promptly deliver a copy of this Order to the Sheriff of Montgomery County, and by first class mail,

____ Assistant State's Attorney for Montgomery
County, and _____ Defendant's Attorney.

JUDGE OF THE CIRCUIT COURT FOR
MONTGOMERY COUNTY, MARYLAND